

ACTS

PASSED AT

THE EIGHTH ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD

IN THE

Town of Tuscaloosa,

ON THE .

THIRD MONDAY IN NOVEMBER, ONE THOUSAND EIGHT HUNDRED
AND TWENTY-SIX.

JOHN MURPHY.....GOVERNOR.

NICHOLAS DAVIS,
PRESIDENT OF THE SENATE, AND

SAMUEL W. OLIVER,
SPEAKER OF THE HOUSE OF REPRESENTATIVES,

TUSCALOOSA:

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.....
1827

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LAWS OF ALABAMA.

AN ACT providing for the erection of a State Capitol.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be erected in the town of Tuscaloosa, on such site as may be hereafter selected by the General Assembly, during their present session, a State Capitol, in a style suitable to the dignity, and corresponding with the general convenience, of said state. State Capitol to be erected.

Sec. 2. *And be it further enacted,* That for the erection of the aforesaid State Capitol, John B. Hogan, James Hogan, James H. Dearing, Henry Minor and John L. Tindall, shall be, and they are hereby, appointed commissioners, whose duty it shall be to make such contract or contracts with such undertaker or undertakers as to them may appear best to subserve the public interest for the accomplishment of said work, and also to cause such undertaker or undertakers to enter into such obligations, payable to the Governor for the time being, and his successors in office, and under such penalties, and with such conditions, as they shall think proper, for the faithful, prompt, and correct performance of the same. The said commissioners shall also have power, and it is hereby made their duty, to appoint some fit and discreet person to act as superintendent of the aforesaid work, who shall be required to give his constant attention to the same, and see that the work done on the said State Capitol, in all its parts, is faithfully executed, and of good and durable materials: *Provided,* That neither the commissioners or superintendent shall be, directly or indirectly, concerned in the said contract as undertakers. Commissioners appointed.
Their duty & powers.

Sec. 3. *And be it further enacted,* That the aforesaid commissioners shall give at least ninety days notice, by advertisement, published in some public newspaper, printed in the city of Mobile, the town of Tuscaloosa, and the town of Huntsville, of the contract aforesaid, and invite therein proposals for the same. Commissioners to give notice and invite proposals.

Sec. 4. *Be it further enacted,* That the aforesaid commissioners shall adopt such a plan for the aforesaid building (as to them may appear fit and convenient, according to the tenor hereof,) or such as may be furnished them by the present General Assembly; which plan, if furnished, shall be binding on said commissioners. Comm'rs to adopt plan as furnished by the General Assembly.

Capitol when
to be comple-
ted.

Proviso.

Vacancies in
board of com.
how filled.

Superintend-
ent how com-
pensated.

Appropriation
for state capi-
tol.

Proviso.

Payments how
made.

Comm's autho-
rized to dis-
pose of proper-
ty granted to
the state, by
the citizens of
Tuscaloosa.

Comm's and
superintend-
ent to take
oath.

Comm's to
make report to
the General
Assembly.

Sec. 5. *Be it further enacted*, That the commissioners aforesaid shall cause the said State Capitol to be completed at as early a time as practicable, not exceeding three years: *Provided*, That in all cases a majority of the aforesaid commissioners shall at all times be sufficient for the discharge of any duties assigned them by this act; and also, that in case of vacancy in the Board of Commissioners from death, resignation, refusal to qualify, or other cause, such vacancy shall be filled by the Governor: *And provided further*, That the superintendent appointed pursuant to the provisions herein contained shall receive such compensation as shall be adjudged proper by a succeeding legislature.

Sec. 6. *Be it further enacted*, That for the erection of the State Capitol aforesaid, there shall be appropriated a sum not exceeding *the seat of government fund*, to be drawn from the treasury by warrant from the Comptroller, on the certificate of the aforesaid commissioners: *Provided*, That not more than one half of said fund shall be drawn from the treasury before the next meeting of the General Assembly: and also such public property in, and contiguous to, the town of Tuscaloosa, granted to the state by the citizens thereof, as may not be reserved for public purposes: and that for any labor done on or appertaining to the said State Capitol, or for any materials and contingencies which may be necessary to carry the provisions of this act into effect, payment shall be made in the following manner, viz: The commissioners, or a majority of them, shall certify in writing the amount of money due to any undertaker or undertakers for labor done, materials furnished, or for any necessary contingency; which certificate shall be presented to the Comptroller by the person or persons, or their legal representatives, to whom such sum or sums of money may be due; and it shall be the duty of the said Comptroller to issue his warrant upon the treasury for the amount of the same: *Provided*, the amount so certified shall not exceed the amount of money herein set apart and appropriated.

Sec. 7. *Be it further enacted*, That the said commissioners are hereby authorized and empowered to dispose of the aforesaid public property belonging to the state, granted by the citizens of the aforesaid town of Tuscaloosa, in such a manner as in their opinion will be most available, either by sale and an application of the proceeds thereof, or by an application of the property itself in the way of payment.

Sec. 8. *Be it further enacted*, That the aforesaid commissioners and superintendent shall, before they enter upon the discharge of their duty, take and subscribe an oath faithfully, impartially, justly and truly to perform the duties to them assigned by this act, according to the best of their knowledge and belief. And it shall be the duty of the commissioners aforesaid to lay before the General Assembly, within the three first days of their next session, a report of the state and

progress of said edifice; also, a correct and minute account of the disposition of the funds hereby appropriated.

Sec. 9. *Be it further enacted*, That this act shall be in force from and after the passage thereof. When to take effect.

Approved, Jan. 3d, 1827.

AN ACT appointing a mode in which the Site for the State Capitol shall be selected.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the site for the State Capitol shall be selected by a joint vote of both Houses of the General Assembly, at the present session, and a majority of the votes given in shall be considered as sufficient evidence of the selection by the General Assembly. Site for state capitol how selected.

Sec. 2. *Be it further enacted*, That no site shall be nominated, or voted for, unless satisfactory titles to such site, and the conditions on which it can be obtained, be first deposited with the principal clerk of the House of Representatives, to be read aloud to the members of the two Houses, before such joint vote takes place; and that all and every person or persons who may propose to sell to the State any lot or lots, as a site for the said Capitol, shall deposit with the said clerk a proposition shewing upon what terms the said lot or lots are offered to the state, accompanied by a bond or bonds, payable to the Governor for the time being, and his successors in office, conditioned to make good and complete titles to such lot or lots, in the event of the same being selected as the site for the said Capitol. Titles to sites in nomination to be deposited with the clerk of the House of Representatives. Persons proposing lots to state terms.

Sec. 3. *Be it further enacted*, That immediately after the selection of the site for the State Capitol as aforesaid is made, it shall be the duty of the Attorney General to cause good and sufficient titles to the same to be made in the name of the Governor of the state for the time being, and his successors in office, which titles shall be recorded and preserved in the office of the secretary of state. Atto. General to cause titles to be made to site selected. *Approved, Jan. 9, 1827.*

AN ACT to secure additional lots for the erection of the State Capitol, and provide compensation for the site thereof.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby required to issue his warrant in favor of James Childress, for the sum of one thousand dollars, to be paid out of the amount appropriated to erect a State Capitol; upon his executing a good and fee simple title to the Governor for the time being, and his successors in office, to lots numbered one hundred and forty-four, and one hundred and forty-five in the plan of the town of Tuscaloosa. Appropriation to James Childress, on certain conditions. *Provided*, That lots No. 143 and 146, or lots No. 128 and 129, according to the official survey of said town are obtained, as authorized by the second section of this act.

Sec. 2. *Be it further enacted*, That the Commissioners ap-

Com'mrs authorized to purchase certain lots upon certain conditions. pointed by an act entitled an act, to provide for the erection of a State Capitol be, and they or a majority of them are hereby authorized to contract for lots No. 143 and 146, or lots No. 128 and 129, as known in the plan of said town, if the same can be obtained at a price not exceeding one thousand dollars for lots No. 143 and 146; or one thousand dollars, for lots No. 128 and 129: And the said Commissioners, or a majority of them, are authorized to draw an order on the Comptroller of public accounts, who shall issue his warrant on the Treasury for the amounts contracted as aforesaid to be given for said lots, to be paid out of the amount appropriated for the erection of the State Capitol.

Comm'rs may attach part of Broadstreet to the site for the state capitol. Sec. 3. *Be it further enacted*, That the Commissioners aforesaid, or a majority of them be, and they are hereby authorized to appropriate to the use of the state, and attach the same to the site for the state capitol, and build the state capitol thereon if necessary, so much of broad street as lies north of lots numbered one hundred and forty-four and one hundred and forty-five in the plan of the town of Tuscaloosa.

Approved Jan. 13th, 1827.

AN ACT to amend an act to establish the Bank of the State of Alabama, approved December 20th, 1823.

Repeal. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the 9th section of the above recited act as vests in the President and Directors of the State Bank of Alabama the right to fix the compensation of the officers, clerks and servants of said Bank be, and the same is hereby repealed and made void.

General Assembly to fix compensation. Proviso. Sec. 2. *And be it further enacted*, That hereafter the compensation to be allowed to the cashier and other officers and servants of the Bank of the State of Alabama, shall be fixed by the General Assembly; *Provided*, That hereafter no allowance shall be made by the Directors to the Cashier, Clerk or Teller, unless the Cashier be required to live in or adjoining the banking house; in which event rent may be allowed him by the Board, according to their discretion.

Salaries. Sec. 3. *And be it further enacted*, That the annual salary of the President of the bank shall hereafter be eight hundred dollars, and that said salary be paid out of the dividends of the bank; the annual salary of the cashier, fifteen hundred dollars; the annual salary of the teller, one thousand dollars; and the annual salary of the clerk, eight hundred dollars.

Repeal. Sec. 4. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved Jan. 9th, 1827.

AN ACT to exempt the Directors of the State Bank from certain public duties.

Directors exempt from certain duties. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Directors of the Bank of the State be, and they are

hereby exempted from serving as jurors and performing militia duty—any law to the contrary notwithstanding.

Approved Jan. 13th, 1827.

AN ACT supplementary to an act to establish a State University.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all suits or actions brought by or against the Trustees of the University of Alabama, in any court of law or equity in this state, that it shall not be necessary for their attorney or counsellor to produce the seal of the said trustees of the University of Alabama, or a power of attorney under the seal of the said corporation, to authorize them to appear and prosecute any suit or action in behalf of said trustees; and that the courts of law and equity aforesaid, shall, in all cases, recognize their attorney or counsellor in the same manner as in suits between individual and individual—any law, usage or custom to the contrary notwithstanding.

Approved, Jan. 5th, 1827.

AN ACT amendatory to an act entitled an act to class and fix the price of the University lands, passed January 13th, 1826.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter it shall be the duty of the President of the Board of Trustees, and he is hereby required to appoint Commissioners to class and fix the price of the University lands in the same manner, with the same powers, and under the same regulations; and said commissioners shall receive the same compensation as prescribed in the act to which this is an amendment.

Sec. 2. *And be it further enacted,* That the classification made by the commissioners elected for the second judicial circuit be, and the same is hereby made valid to all intent and purposes: And that hereafter it shall be lawful for the commissioners to be appointed by this act where the university land lies in two judicial circuits, by the line dividing said circuits passing through said land, then and in that case, the said commissioners in either circuit may class the said lands.

Sec. 3. *And be it further enacted,* That so much of said act, to which this is an amendment, as requires the commissioners to be elected by joint vote of both houses of the General Assembly be, and the same is, hereby repealed.

Approved Jan. 12th, 1827.

AN ACT to provide for the distribution of the Public Arms among the different volunteer corps in this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened,* That the public arms and accoutrements belonging to this state, shall be distributed among the volunteer corps of the same, in the manner and on the conditions hereinafter prescribed.

Duty of the
commander in
chief.

Arms, &c. how
proportioned.

Colonels of re-
giments to
give bond.

Bond payable
to the Govt.

Pistols and sa-
bres how dis-
tributed.

Arms, if not
applied for
within twelve
months, how
disposed of.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Commander-in-Chief, on the application of the commander of a brigade, to issue his order to the Quarter-Master General, or person having charge of the public arsenal, to hand over the arms aforesaid in the following proportion to the different brigades, to wit: To the first brigade, seventy-two muskets & accoutrements; to the second brigade, seventy-two muskets and accoutrements; to the third brigade forty-eight muskets and accoutrements; to the fourth brigade one hundred and twenty muskets and accoutrements; to the fifth brigade, one hundred and sixty muskets and accoutrements; to the sixth brigade ninety-six muskets and accoutrements; to the seventh brigade one hundred and sixty muskets and accoutrements; to the eighth brigade one hundred and twenty muskets and accoutrements; to the ninth brigade ninety-six muskets and accoutrements; to the tenth brigade forty-eight muskets and accoutrements; to the eleventh brigade ninety-six muskets and accoutrements; to the twelfth brigade seventy-two muskets and accoutrements; to the thirteenth brigade seventy-two muskets and accoutrements; *Provided* said application shall be accompanied with the bond of the Colonel commanding the regiment to which the volunteer corps for whose use the arms are drawn shall be attached, or some other officer of said regiment, with good and sufficient security, in double the value thereof, conditioned for the safe keeping and return of said arms, when called for by the proper authority.

Sec. 3. *And be it further enacted*, That said bond shall be made payable to the Governor for the time being, and his successors in office, and to be approved of by him.

Sec. 4. *Be it further enacted*, That the pistols and sabres now in the arsenal shall be distributed on the conditions prescribed in the second section of this act, and in the following manner, to wit: "To the 1st Brigade, 39 sabres; to the 3d Brigade, 80 pistols; to the 4th brigade, 80 pistols; to the 5th brigade, 45 sabres; to the 10th brigade, 45 sabres; to the 12th brigade, 80 pistols."

Sec. 5. *And be it further enacted*, That should the officers of either brigade, neglect or refuse to make application for said arms within twelve months from the passage of this act, on the conditions pointed out in the second section of this act, it shall be the duty of the commander in chief, on application from either of the other brigades, to order the same to be furnished to said applicant on his complying with the provisions of the aforesaid second section. *Approved, Jan. 4th, 1827.*

RESOLUTION for the preservation of the Public Arms of this State.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Charles Lewin, Quarter-Master General be, and he is hereby authorized to procure a house, in which to preserve the public arms of this state until they may be distributed. *Approved Jan. 13, 1827.*

AN ACT amendatory of the laws now in force on the subject of Bail in Civil Cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when suit shall hereafter be commenced in any of the courts of this State, or before any Justice of the Peace, and the defendant or defendants shall not be held to bail, and the plaintiff or plaintiffs shall afterwards deem it necessary for the security of his, her or their claim or demand, the clerk of the court or justice of the peace, where such suit shall be pending, shall, on the plaintiff, his, her or their attorney or agent making the affidavit required by the existing laws, at any time previous to final judgment, to issue a writ of *capias ad respondendum*, to the sheriff, coroner or constable requiring him to arrest and detain the body of the defendant or defendants in his custody until he or they shall put in bail for his or their appearance, or be otherwise discharged by due course of law: *Provided*, that the said plaintiff so applying shall pay the expense of issuing said writ of *capias ad respondendum*, and the execution thereof, unless the plaintiff making application for a new writ requiring bail, make affidavit that the defendant is about absconding from the county.

How and in what cases bail shall be given.

Provide:

SEC. 2. *Be it further enacted,* That in all suits, hereafter brought where the process is by petition and summons (as now allowed by law) in any of the courts in this state, the defendant or defendants in such suit, may be held to bail by an affidavit for that purpose, in like manner and under the same rules and regulations, and such bail shall be liable in the same way as if such suit, had been commenced by writ of *capias ad respondendum*.

Bail in suits by petition & summons.

Approved Jan. 12, 1827.

AN ACT more effectually to protect Sheriffs, Coroners and Constables in the discharge of their duties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter whenever any sheriff, coroner or constable takes from the plaintiff in any execution, a bond indemnifying him for levying or selling property, the title to which is doubtful or disputed, if suit is instituted against him or against any of his deputies for making such levy or sale, he may give notice to the principal and securities in said bond, of the pendency of such suit, whose duty it shall be to defend the same, and the judgment for the same amount shall be rendered by the court on motion in favor of said sheriff, coroner or constable against the principal and security in such bond, as may be obtained by the party suing such sheriff, coroner or constable, which judgment may be rendered at any time after a recovery against any sheriff, coroner or constable: *Provided*, That the court shall in all cases when required to do so by the obligors in any such bond, cause any issues in fact which may arise on such motion to be tried by a jury.

Plaintiff in execution, how made liable to Sheriff, Coroner or Constable, for selling disputed property.

Provide.

Sec. 2. *And be it further enacted,* That the notice contemplated by this act shall be given to the obligors in any bond of

Sixty days notice to be given

on to obligors
in bond of in-
demnity.

indemnity at least sixty days before the trial of any suit
against said officers, *Approved, Jan. 13th, 1827.*

AN ACT to alter the mode of appointing Assessors and Tax Collectors, and
for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Assessors and
tax collectors,
how elected.

That from and after the passage of this act, the assessors and tax collectors for the different counties in this state, shall be elected by the voters qualified by the constitution to vote for members of the General Assembly.

For 1827.

Sec. 2. Be it further enacted, That the assessors and tax collectors for the year 1827, shall be elected as heretofore provided by law.

1828.

Sec. 3. Be it further enacted, That the assessors and tax collectors for the year 1828, shall be elected on the first Monday in August next, and all subsequent elections for said officers shall be holden annually on the day of the General election, preceding the year for which said officers may be elected.

How con-
ducted.

Sec. 4. Be it further enacted, That the elections contemplated by this act, shall be conducted in the same manner, and regulated by the same laws, as the elections for members of the General Assembly.

Sheriffs to re-
turn elections
to judges of
C'ty. Courts.

Sec. 5. Be it further enacted, That it shall be the duty of the sheriffs to report the persons elected by virtue of this act to the judges of the county courts of their respective counties, whose duty it shall be to give the person so elected a certificate of his election, so soon as the assessor and tax collector thus elected shall comply with the laws now in force by giving bond with security and taking the necessary oaths of office.

Sec. 6. Be it further enacted, That all laws or parts of laws now in force, be, and they shall remain in full force and effect, except so far as they may contravene the provisions of this act.

Judge of C'ty.
Court and
com's of roads
and revenue to
fill vacancies.

Sec. 7. Be it further enacted, That in case of vacancy either by refusal to accept, or to give bond and security, death, resignation or otherwise, it shall be the duty of the judge of the county court and commissioners of roads and revenue to fill such vacancy, on giving ten days notice of the time of filling such vacancy: *Provided,* That if the office of county court Judge be vacant, that the commissioners of roads and revenue shall make the appointment; and if a majority of them cannot agree, then and in that case the appointment shall be made by the clerk of the county court, and if there be no clerk, by the justice of the peace residing nearest the seat of justice for the county in which such vacancy may exist.

Proviso.

Commission-
ers term of
service.

Sec. 8. And be it further enacted, That the commissioners of roads and revenue, shall hereafter be elected for the term of three years.

Approved Jan. 5, 1827.

AN ACT to provide for taking the Census of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the assessor of taxes of each and every county within this State, for the year one thousand eight hundred and twenty-seven, to take the enumeration of the inhabitants therein, and in the manner and under the regulations and responsibilities which are prescribed by an act providing for the taking of the census of the state of Alabama, passed 31st day of December, 1823. Tax collectors to take census.

SEC. 2. *And be it further enacted,* That each and every assessor shall be allowed the same compensation for taking the census as is allowed by the above recited act. compensation

Approved Dec. 9th, 1826.

AN ACT authorizing the Governor to liquidate and settle the accounts between this State and the State of Mississippi.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this State be, and he is hereby authorized, to liquidate the unsettled accounts between this state and the state of Mississippi, upon the condition that the Governor of Mississippi, or her other authorized agent, will transfer to the Governor of this state the bonds given by the tax collectors in the several counties of the late Mississippi Territory, which now form a part of the state of Alabama.

Approved Jan. 13th. 1827.

AN ACT to raise a Revenue for the support of Government until otherwise altered by law.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all lands in this state, subject to taxation, shall belong to one class; the first quality of which shall be rated at sixteen dollars, the second quality at ten, the third quality at four, and the fourth quality at one dollar and twenty-five cents; and the owner or person subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state on oath to which quality they believe his or her lands belong: *Provided,* That all persons owning lands in this state, liable to pay tax, shall be returned to the tax collector of the county in which he or she may reside. Lands classed.
Owner to give in on oath.
Proviso.

SEC. 2. *And be it further enacted,* That the sum of ten cents for every hundred dollars be paid on all lands in this state which have been cleared out of the land office, or to which a complete title has been obtained by the owner; and the tax on all lands purchased of the United States shall be proportioned to the number of instalments paid by the proprietor at the time of assessment, as well as to its class or quality; and if one instalment only be paid to the government, one fourth only of the amount of tax accruing by the laws of the state, on land of the same quality, shall be assessed or collected; and in like proportion when a second or third instalment shall have been paid. Amount of land tax.

Tax on town property. **Sec. 3.** *And be it further enacted,* That the sum of ten cents be paid for every hundred dollars value of all lands, lots or buildings, within any city or town, to be estimated by the person giving in the same upon oath; twenty cents for every hundred dollars on the amount of merchandize, domestic or foreign, except such domestic articles as are manufactured within this state, sold between the first day of May, 1826, and the first day of May, 1827, and so on hereafter between the first day of May in one year, and the first day of May in the succeeding year; and if any person or persons vending merchandize shall refuse to give in a list of the amount of goods sold on or before the first day of August annually, he or they shall forfeit and pay the sum of hundred dollars, to be collected by the assessor and collector in the same manner as other state and county taxes are collected, which amount shall be paid into the state treasury: And for every slave not exceeding ten years old, fifteen cents, and all over ten and under sixty, fifty-six and a fourth cents; for all free male negroes and mulattos over twenty-one years, one dollar; for all free white males above the age of twenty-one years, and not exceeding forty-five, twenty-five cents; for all pleasure carriages and harness, fifty cents on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every horse kept exclusively for racing, the saddle, or pleasure carriage, fifty cents, and for every public race track, ten dollars; for every stud horse or jack-ass, the amount for which said stud or jack may stand by the season; and all neat cattle which may be owned by any one citizen of this state, and for every head of neat cattle owned by any person not a citizen freeholder of this state, over twenty-five head, work oxen excepted, per head, one and a half cents; for every billiard table kept for play, two thousand dollars; for each license granted to every hawker or pedlar in each county, twenty-five dollars for each and every waggon, carriage or cart by them employed and used for peddling; and in case any hawker or pedlar shall sell any goods or merchandize without first taking out license and paying for the same agreeably to the provisions of the law, he shall forfeit and pay the sum of two thousand dollars, to be recovered in any court having competent jurisdiction, one half to the use of the state, and the other half to the use of the informer: And it is hereby made the duty of all sheriffs, constables, and justices of the peace, in the different counties in this state, whenever they see any hawker or pedlar vending goods or merchandize within the limits of the counties in which such officers reside, to demand of such hawker or pedlar the production of his license, and, on failing to produce it, he shall forfeit and pay the sum of fifty dollars, to be recovered before any court having jurisdiction of the same, half to the informer, and half to the use of the county: on all goods sold at auction, other than those which are exempted by law, two per centum on the amount of sales; for every gold watch

on merchandize.

Penalty.

on slaves.

free colored.

white polls.

carriages.

saddle horse.

race track.

stud horse or jack-ass.

neat cattle.

billiard table.

hawkers and pedlars.

Penalty.

Sheriffs, constables & justices, their duty under this act.

uction.

kept for use, one dollar; for every silver or other watch kept for use, twenty-five cents; for every clock kept for use, the works of which are made of metal, one dollar; for every clock of any other description, kept for use, twenty-five cents; for money loaned at interest, for every hundred dollars, twenty-five cents; on every pack of playing cards sold, given away, loaned, or otherwise disposed of, one dollar.

Watches.

Clocks.

Money at interest.

Playing cards.

Sec. 4. *And be it further enacted*, That for every tavern license in any city or town, there shall be paid as tax twenty dollars; for keeping a house of entertainment in any city or town, without retailing spiritous liquors, ten dollars; on every retailer of spiritous liquors in any city or town, fifteen dollars; on every retailer of spiritous liquors in the country, on the road or highways, ten dollars; all of which taxes shall be paid to the clerk issuing the license, and by him immediately to the tax collector; and the clerk shall receive for his services the fees heretofore allowed for issuing licenses; and no county tax shall be paid on licenses except such as may be levied by the county court of such county, and all county monies that may come into the hands of clerks in this state shall be paid into their respective county treasuries.

Tavern licenses, &c. in towns or cities

In the country

To whom paid

Sec. 5. *And be it further enacted*, That on all shares of bank stock in any bank in this state, chartered by the authority of the same, or by the Alabama territory, held by any individual, partnership, or body corporate, and on all shares held by any citizen of this state in the Bank of the United States, there shall be levied and collected yearly a revenue at the rate of fifty cents on each share of one hundred dollars: *Provided, nevertheless*, That if any of said banks, chartered by this state or the Alabama Territory, shall refuse to pay specie for their notes, then and in that case there shall be levied and collected an additional tax of fifty cents on each share held as aforesaid, in any bank or banks so refusing to pay specie for their notes; and the president & directors, or cashier, on making out their last dividend for each preceding year, shall return the same amount of taxes, and pay the same into the treasury of this state, and shall produce the Treasurer's receipt on or before the second Monday in December in each and every year; and on failure thereof, the president and directors of said bank, or any number of them in their corporate capacity, shall pay to the state two thousand dollars; and in case of any such failure, it shall be the duty of the Comptroller of Public Accounts to direct the Solicitor of the Circuit in which such defaulting bank or banks may be, to proceed to the recovery of the same, on motion in the circuit court, the said Comptroller of Public Accounts giving notice in some newspaper published at the seat of government, Mobile, Huntsville, or Montgomery, to the said defaulting bank or banks, of the motion so to be made; and the certificate of said Comptroller shall be deemed and taken as full and sufficient evidence of such default or failure.

Tax on bank shares.

Provide.

Bank not paying specie.

Cashier to pay into the treasury.

At what time.

Penalty.

How proceeded against.

Sec. 6. *And be it further enacted*, That every person who

Museum, wax
works, feats of
activity, slight
of hand, and
plays.

Penalty.

Stud horses &
jack asses to
be taxed after
first of May
next.

Lands sold
previous to 1st
Sept. 1819, not
given in dou-
bly taxed.

Tax Collec-
tors may sell
prop'ty of de-
linquents.

To give notice

shall exhibit, or cause to be exhibited, for hire or emolument, any museum, wax-works, feats of activity, slight of hand, or plays, shall first obtain from the clerk of the county court of the county where the same may be exhibited, a license authorizing the same, for which the party applying shall pay to the clerk twenty dollars, for the use of the state, together with one dollar as a fee to the clerk for issuing the same; and the clerk shall account for the said tax in the same manner as he is required to account for taxes collected on retail and tavern licenses: And every person who shall exhibit as aforesaid, without first obtaining such license, shall forfeit and pay the sum of two hundred dollars, to be recovered before any court having competent jurisdiction, at the suit of said clerk, or any other person in the name of said clerk; which sum, so recovered, shall be paid over as aforesaid, after deducting therefrom one hundred dollars for the use of the person who may sue as aforesaid.

Sec. 7. *And be it further enacted*, That stud horses and jack asses shall be taxed from and after the first day of May, and the assessor shall take the lists of those articles in relation to that day; and it shall be the duty of the collector of the revenue to collect the tax on all jack-asses and stud horses which have stood the season in their respective counties, whether they have been listed with the assessor or not, and account for the receipts as other taxes.

Sec. 8. *And be it further enacted*, That when the time shall have expired, within which the lists of taxable property are to be received, it shall be the duty of the assessor of taxes to ascertain whether there be any lands or town lots within their respective counties, sold under the authority of the United States, previous to the first day of September, one thousand eight hundred and nineteen, which have not been assessed; and in case any such be found, which have not been forfeited, he shall assess the same according to the rate of assessment prescribed by law on town lots and lands, for which a complete title has been obtained; and such lots or lands shall be doubly taxed.

Sec. 9. *And be it further enacted*, That the collectors of taxes in the several counties shall, at the time and in the manner prescribed by law, make distress and sale of the goods and chattels, lands and tenements of all delinquents, in making returns of taxable property, or in payment of taxes: and in cases of taxes assessed in the manner directed in the preceding section, on lands or town lots, to which a complete title has not been obtained, and in which other property sufficient to satisfy the taxes due, together with all costs and charges accruing thereon cannot be found, it is hereby expressly made the duty of the respective collectors of taxes to give notice by advertisements at the door of the court house of the proper county, and at two other public places within the county, that on a certain day, (which shall be at least thirty days after the date of said advertisement,)

he shall, at the court-house of his county, offer for rent the town lot or lots, or so much of the land or lots (as the case may be,) and for such term as may be necessary to satisfy the taxes due, and costs and charges thereon; and he shall accordingly offer for rent, to the highest bidder, until the first day of January succeeding the January immediately ensuing, the town lot or lots, or such portion of the lands, (as the case may be;) and he may designate, beginning in the case of lands with ten acres, or with as much less than ten acres as may be necessary to pay said tax and costs, or by adding ten acres thereto as often as may be necessary to obtain by such rent a sufficient sum to satisfy the taxes and costs; and in case the town lot, or lots or lands, cannot be rented for a sufficient sum on the terms aforesaid, they shall be offered for two years, from the first day of January immediately ensuing, or until a complete title to the same shall be produced, or the same shall be forfeited to the United States: *Provided*, That the production of a complete title shall, in every case aforesaid, entitle the owner to the possession of the premises, upon reimbursing the amount paid for taxes and charges thereon, to the party by whom such payment has been made, and saving to the occupant the crop which may be on the premises; and should the rent in any case exceed the amount of taxes and charges, the right owner of the town lot or lots, or land, (as the case may be,) shall be entitled to receive the overplus.

Term of rent.

Provided.

Sec. 10. *And be it further enacted*, That the collectors of taxes respectively, shall, by an instrument of writing, convey to the party renting the premises as aforesaid, the use thereof for and during the time for which they were rented; and shall in addition to the compensation allowed by law, be entitled to receive two dollars for executing every such instrument of writing; and such instrument conveying the use of the premises as aforesaid, shall be good and sufficient both in law and equity: *Provided*, That whenever the collector shall find the tenant in possession, who may refuse to pay tax or render possession of the premises, which may be thus taxed and unpaid, he shall have full power to proceed instantler, in the same manner as is or may be authorized in cases of forcible entry and detainers; and the refusal of the tenant in possession to render peaceable possession of the premises on demand, shall be considered as evidence of forcible detainer.

Collectors to convey.

Provided.

Sec. 11. *And be it further enacted*, That the tax collector shall be authorized, and he is hereby required, to convey by deed any land he may sell under the provisions of this act, when a complete title has been obtained: *Provided*, The owner or owners of any lands sold for taxes, may redeem the same at any time within twelve months, by the proper owner or owners, or their agents, paying the amount of taxes and costs paid by the purchaser, with interest at the rate of twenty-five per centum per annum, from the day of sale until said redemption and costs.

Collectors to make deed.

Provided.

Sec. 12. *And be it further enacted*, That if any person shall

Persons removing after 1st April, how to proceed. remove from the county in which he may reside after the 1st day of April in each year, without returning to the assessor a list of his taxable property, then and in that case he shall return to the assessor of the county to which he shall remove, a list of his taxable property.

Billiard tables Sec. 13. *And be it further enacted,* That if any person or persons shall by him, her or themselves, or by his, her or their agent, keep or permit to be kept, a billiard table for play, or in a situation to be played on, in his, her, or their house or houses, without first obtaining a license from the county court of the county in which such table may be kept, he, she, or they, shall forfeit and pay the sum of four thousand dollars, to be recovered in any court having jurisdiction thereof, one half to the person suing for the same, and the other half to the state.

Persons refusing to give a list of town property, the assessor shall value the same Sec. 14. *And be it further enacted,* That in case of the neglect or refusal of any person or persons, to give in a list of their town property, it shall be the duty of the assessor to value the same; and the collector shall collect the amount of tax due thereon in the same manner as if the same had been given in by the owner or owners thereof: *Provided,* That if any person or persons shall remove property liable to taxation within the limits of this state, previously to the first day of March in each year, such property shall not be liable to taxation, if the owner or owners of such property can produce a receipt to the assessor, shewing that taxes have been paid on the same in the state from which the property may have been removed from, the same year.

Property to be given in on oath. Sec. 15. *And be it further enacted,* That the assessor and tax collector shall not, in any instance, receive any lists of taxable property, unless on oath; and for every failure on his part to require oath to be made as required by this section, he shall forfeit and pay the sum of twenty dollars: one half for the use of any person suing for the same, and the other half for the use of the state.

Persons refusing to give in on application liable to double taxes. Sec. 16. *And be it further enacted,* That should any person or persons refuse or neglect to give in his, her, or their list of taxable property, on application of the assessor and collector of taxes within the time prescribed by law, he, she, or they, so neglecting or refusing, shall pay a double tax on all property so refused or neglected to be given in, to be collected and accounted for in the same manner as other taxes.

Collector may commence in Mobile after 1st of March. Sec. 17. *And be it further enacted,* That it shall be lawful for the assessor and collector for the county of Mobile, to commence assessing and collecting the taxes within the corporate limits of the city of Mobile, on and after the first day of March in each and every year—any law to the contrary notwithstanding.

Approved, Jan. 13, 1827.

AN ACT to alter the time of holding the County Courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county courts of the several counties in this act mentioned shall hereafter be held at the times as follows in each and every year: the county courts shall be held for the county of Lauderdale, on the first Mondays in June and December; for the county of Limestone, on the second Mondays in June and December; for the county of Lawrence, on the third Mondays in June and December; for the county of Perry, on the first Mondays in February, and fourth Mondays in July; for the county of Autauga, on the second Mondays in February and August; for the county of Montgomery, on the third Mondays of February and August; for the county of Dallas, on the fourth Mondays in February and August; for the county of Conecuh on the first Monday in February, in each and every year, in lieu of the third Monday in January as now required by law.

In Lauderdale

Limestone.

Lawrence.

Perry.

Autauga

Montgomery.

Dallas

Conecuh.

Sec. 2. *And be it further enacted,* That the courts of the commissioners of roads and revenue for the county of Lawrence, shall hereafter be held on the third Mondays in February, May, August and November, in each and every year, instead of the times now prescribed by law.

Commissioners Court in Lawrence, when held.

Sec. 3. *And be it further enacted,* That all writs and process returnable to any of the courts in this act mentioned as now required to be holden, shall be considered as good returns to the terms of holding the several courts as in this act required.

Process returnable.

Sec. 4. *And be it further enacted,* That this act so far as relates to the county of Lawrence, shall take effect on the first day of February next.

When to take effect.

Approved 1st Jan. 1827.

AN ACT to change the times of holding the County Courts in Jefferson and Madison Counties.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* that the county courts for the counties of Jefferson & Madison shall hereafter be holden on the first Monday in February and third Monday in August annually, instead of the first Mondays in January and July as heretofore established by law; and that all writs and process whatsoever, now or hereafter made returnable to the county courts for said counties on the first Mondays in January next, are hereby made returnable to the said court on the first Monday in February next, as established by this act.

In Jefferson.

Writs, process, &c. to be returned on first Monday in Feb. next.

Sec. 2. *And be it enacted,* That the county courts for the county of Madison shall hereafter be held on the second Mondays of February and August in each year, and every term of said court may continue two weeks, and writs and process of whatsoever nature, which have been issued, or may hereafter be issued, returnable to the terms of said court, as heretofore established shall be returned to the terms thereof as hereby established.

In Madison.

Writs, process &c. when to be returned.

Repeal.

Sec. 3. *And be it further enacted,* That all acts and parts of acts contravening this act, be and they are hereby repealed.

Approved, Dec. 22, 1826.

AN ACT to alter the times of holding the County Courts of the counties of Tuscaloosa, Lawrence and Limestone.

In Tuscaloosa SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the County Court of the county of Tuscaloosa shall be holden on the second Mondays in February and August, and shall continue until all the business in said court shall be disposed of.

Process returnable. SEC. 2. *And be it further enacted,* That all suits and causes now pending in said court, and all writs and other process that have been issued returnable to the next term of said court, shall be returned on the second Monday in February next: *Provided,* That the county court of Tuscaloosa county, at the term hereby appointed to be holden, on the second Monday in February next, shall not sustain jurisdiction against any debtor or debtors to the Bank of the State of Alabama, at the suit of said Bank.

In Lauderdale & Limestone. SEC. 3. *And be it further enacted,* That the provisions of an act entitled an act to alter the times of holding the county courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh counties, so far as relates to Lauderdale and Limestone counties, shall not take effect until after the first day of February next, and that the first term of Lauderdale county court, after the first day of January, eighteen hundred and twenty-seven, shall commence and be holden on the third Monday in February next, to continue two weeks; and that all process issued and made returnable to the fourth Monday in January ensuing, shall and is hereby made returnable to the third Monday in February next.

Process of Lauderdale county court returnable to the 3d Monday in February next

Approved, Jan. 12, 1827.

AN ACT supplementary to the several acts heretofore passed in relation to the County Court for the county of Mobile, and for other purposes.

Jurisdiction of the county court of Mobile, how altered. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any and all acts of the General Assembly of this state, heretofore passed, which in any manner vary or alter the civil or criminal jurisdiction of the county court of Mobile county, from that generally possessed by and vested in the several county courts of this state; or which give to the county court of Mobile county a jurisdiction in civil or criminal matters different from that vested in, and possessed by, the other county courts of this state, be, and the same are hereby, repealed: and that from and after the passage of this act, the same jurisdiction, in all respects, shall be vested in, and appertain to, the county court of the said county of Mobile, which pertains generally to the several county courts in this state.

Sec. 2. *And be it further enacted,* That from and after the

passage of this act, the fees and emoluments of office of the judge and clerk of the county court of Mobile county shall be in all respects the same as those now allowed by law to the judges and clerks of the county courts respectively in this state; and that the acts of the General Assembly, entitled "an act allowing a certain salary to the judge of the county court of Mobile," passed December 31st, 1823, that entitled "an act for changing the compensation of the judge of the county court of Mobile county, and for other purposes therein mentioned," passed December 22d, 1824, and all other acts and parts of acts granting a salary to the judge of the said county court, be and the same are hereby repealed.

Judge & clerk of said court to have the same emoluments of office as in other counties.

Sec. 3. *And be it further enacted,* That it shall be the duty of the judge of the county court of Mobile county to keep his office open at all times for the transaction of orphan business, granting letters testamentary, letters of guardianship and of administration, taking the probate of wills, hearing all applications of executors, administrators, or guardians, in relation to the estates they severally represent, or to the final settlement and allowance of their accounts respectively: *Provided* always, That any person or persons who may feel himself or themselves aggrieved by any final order, judgment or decree of the said Judge of the said county court, touching the granting of letters testamentary, letters of administration or of guardianship, or the withdrawal of the same from executors, administrators or guardians; or relating to the final settlement and allowance of their accounts, or the rejection of the same, or any part thereof; or any other matter finally adjudged and decided in said county court, or by the judge thereof, relating to wills, intestates, and guardians, or the settlement of estates, shall be allowed an appeal from such final order, judgment or decree, of the said court, to the next circuit court of the said county, upon the appellant entering into bond with such security and subject to such legal condition as the said judge may prescribe.

Judge of the county court to keep his office open at all times.

Provided,

Sec. 4. *And be it further enacted,* That from and after the passage of this act, the appointment to all offices in the said county of Mobile, which are now by law vested in the judge of the said county court of Mobile county, shall be vested in the said judge and the commissioners of roads and revenue for the said county, or in the majority of the said judge and commissioners; and that hereafter justices of the peace and constables in the said county of Mobile, instead of being appointed, pursuant to the existing laws, by the said judge and commissioners, shall be elected pursuant to the general laws of this state in relation to the election of justices of the peace and constables in the several counties of this state, but who shall enter into bond with security as is now required by law in the said county of Mobile, and be subject for misconduct and misbehavior in office to the penalties imposed by the act of the General Assembly entitled "an act concerning justices

Appointments heretofore vested in judge of the county court, now vested in the judge & commissioners.

Justices and constables in Mobile county, how elected.

of the peace and constables in Mobile county," passed January the 12th, 1826.

Criminal causes & processes to be transferred from the county to the circuit court of Mobile co'y

Sec. 5. *And be it further enacted*, That all criminal causes, indictments, presentments, pleas, processes, and criminal proceedings whatsoever; all libels, according to the course of admiralty courts, and pleas, claims and processes in relation to the same, returnable, commenced, depending, or in any manner existing in the said county court of Mobile county, are hereby transferred to the circuit court of said county, and may be proceeded in, shall exist, and have the like incidents and effects as if they had originated and been proceeded in, in the said circuit court; and that the dockets, books, records, and papers in any manner relating to the said indictments, presentments, pleas, processes, and criminal proceedings, or to the said libels according to the course of admiralty courts, pleas and processes, belonging to, arising out of, and appertaining to, the said county court jurisdiction, shall be transferred to, and become, for all necessary and legal purposes, the dockets, books, records and papers of the said circuit court.

Repeal.

Sec. 6. *And be it further enacted*, That all acts, and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby, repealed.

Approved, Dec. 30th, 1826.



AN ACT to provide for an extra term of the Circuit Court in Mobile and Baldwin Counties.

Extra term of Mobile Circuit Court, when held.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the judge of the sixth judicial circuit, to hold a special term of the circuit court for Mobile county, to commence on the second Monday of February next, and to continue two weeks, if business so long require, for the trial of all causes pending in the said court, and which stood for trial on the third Monday after the fourth Monday of October last past—and that all actions may be commenced, and writs and process be made returnable to said special term.

Of Baldwin.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of the sixth judicial circuit, to hold a special term of the said circuit court, for the county of Baldwin, to commence on the 4th Monday of February next, and to continue one week, if business so long require, for the trial of all causes pending in the said court, and which stood for trial on the fifth Monday after the fourth Monday of October last past; and that all actions may be commenced, and process be made returnable to the said special term.

Any one of the circuit judges may hold said courts.

Sec. 3. *And be it further enacted*, That any one of the circuit Judges of this state, may hold the said special term of the circuit courts of Mobile and Baldwin counties, contemp-

plated and directed by the first and second sections of this act to be held by the judge of the sixth judicial circuit.

Approved, Dec. 8th, 1826.

AN ACT directing in what manner, and in what Courts, suits may be brought against the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened,*

That the several circuit courts of this state shall have original jurisdiction in all civil causes, in which the citizens or inhabitants of the said state of Alabama may be parties plaintiff, and the said state of Alabama may be defendant, saving to the plaintiffs or defendant in all cases, the right to remove their said causes to the supreme court after judgment by appeal or writ of error, pursuant to the provisions of the existing laws.

Circuit courts to entertain jurisdiction in all causes in which an inhabitant may be plaintiff, & the state defendant.

appeal or writ of error, how taken.

Sec. 2. *And be it further enacted,* That the manner of instituting suits against the said state, shall be by the plaintiff or plaintiffs in suit at law, suing out of the circuit court clerk's office, in which the action may be originated a summons and in cases of chancery, a subpoena in chancery, returnable to the next succeeding term of the circuit court of the county in which the action may be brought; which said summons or subpoena shall be served on the Governor of this state for the time being by the sheriff of the county in which the suit may be brought, or by the sheriff of the county in which he may be at the time of the commencement of the suit, and shall be deemed the leading process in such suit, and shall have the like effect and incidents, as writs and other subpoenas in chancery sued out, and made returnable to said courts respectively.

Suits how instituted.

Sec. 3. *And be it further enacted,* That no appeal or writ of error shall be prosecuted by the state to reverse any judgment obtained against it, in any of the circuit courts of this state, except such writ of error be sued out, or such appeal be taken within the time prescribed by law, in cases to which the state is not a party.

Appeals or writs of error, how prosecuted by the state.

Sec. 4. *Be it further enacted,* That it shall be the duty of the Comptroller of Public Accounts, on the certificate of any clerk of the circuit court in this state, or of the Supreme Court of this state, that a judgment has been rendered in the court of which he is clerk against the state in favor of any plaintiff, specifying the amount of recovery, to draw his warrant on the state treasurer in favor of the party recovering such judgment, for the amount thereof: *Provided,* That no clerk of any circuit court shall issue any certificate pursuant to the foregoing provisions, until six months after the rendition of the judgment: *And provided further,* That in addition to the certificate of the clerk of the circuit court, the judge who presided at the trial shall certify that the same is correct.

Comptroller on certificate of the clerk of the court in which judgment is obtained, to draw his warrant in favor of plaintiff.

Proviso.

Sec. 5. *And be it further enacted,* That it shall be the duty of the solicitor or attorney general attending any circuit court, where any suit is pending against the state, to attend to the same in behalf of the state; whose duty it shall be to

Duty of solicitor or attorney general.

order a writ of error on the rendition of any judgment against the state, if he thinks proper, which shall be issued by the clerk as a matter of course, without security; which shall operate as a supersedeas.

The court
may appoint
assistant
counsel.

his compensa-
tion.

Sec. 6. *And be it further enacted*, That the court before whom any suit is tried pursuant to the foregoing provisions of this act shall, if necessary, appoint one additional attorney to aid the solicitor or attorney general; who, with the solicitor or attorney general, shall receive for his services out of the public treasury, a compensation to be fixed by the said Judge, who shall certify the same to the Comptroller.

Approved, Jan. 6th, 1827.

AN ACT to compensate Witnesses attending Magistrates Courts.

Witnesses in
justices courts
their compen-
sation.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter each and every person who may be summoned to attend before any justice of the peace in this state to give evidence in any matter of controversy pending before such justice and shall attend accordingly, shall receive fifty cents per day for such attendance, to be taxed in the bill of costs and recovered from the party cast, in the suit.

Constables,
their compen-
sation for serv-
ing notices.

SEC. 2. *Be it further enacted*, That constables shall be allowed fifty cents for serving the notice required of them in the seventeenth section of an act entitled "an act to revise, consolidate and amend the several acts relative to justices of the peace and constables," passed December 27th, 1814.

Approved, Dec. 15th 1826.

AN ACT to define the boundary line between Shelby and Autauga counties.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the boundary line between the counties of Shelby and Autauga, shall commence where the line between ranges thirteen and fourteen intersects the line between townships twenty-two and twenty-three, in the district of lands directed to be sold at Cahawba, and shall run east of said township line to Coosa river.

Approved, Jan. 12th, 1827.

AN ACT to compel plaintiffs to give security for costs, in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all cases, when any plaintiff or plaintiffs may wish to hold any defendant or defendants to bail, in civil cases, such plaintiff or plaintiffs shall give security for costs of suit.

Approved, Jan. 13th, 1827.

AN ACT to authorize the Judge of the County Court and Commissioners of revenue and roads of Shelby county to levy an extra tax, for the purpose of building a Jail in, and for said county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of revenue and roads of the county of Shelby, be and they are

hereby authorized and required to levy an extra tax, (which shall not exceed twenty-five per centum on the state tax for the year eighteen hundred and twenty-seven) for the purpose of defraying the expenses of building a jail in said county. Tax by whom collected.

Sec. 2. *And be it further enacted*, That the said tax shall be collected by the assessor and collector of tax for the said county of Shelby for the year one thousand eight hundred and twenty-seven, and shall be paid over as soon as collected into the county treasury of said county.

Approved Jan. 1st, 1827.

AN ACT to authorize a levy of a county tax for the county of Covington.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, County court of Covington to levy an extra tax. That the judge of the county court and commissioners of roads and revenue of Covington county be, and they are hereby authorized to levy annually an extra tax of twenty-five per cent on the amount of the State tax of said county; and the monies arising from such tax shall be applied exclusively to the extinguishment of the debt now due by said county, for building a Court house, until the debt due is discharged.

Approved, Jan. 12th, 1827.

AN ACT to establish certain election precincts therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, Precincts, in Autauga. That there shall be established an election precinct in the Town of Vernon, in the county of Autauga, in addition to those already established in said county.

Sec. 2. *And be it further enacted*, That in the county of In Butler. Butler there shall be established two additional election precincts—one at the House of Thomas Herbert, jun. and one at the house of John Kelly.

Sec. 3. *And be it further enacted*, That in addition to the In Limestone. election precincts now established by law in the county of Limestone, there shall be another established at the dwelling house of William Brown, at the Shoalford on Limestone creek in said county.

Sec. 4. *And be it further enacted*, That the election precinct In Jackson. heretofore established by law in Jackson county, at the house of David Parkell, be, and the same is hereby abolished; and in lieu thereof, there shall be an election precinct at the house of Charles Sullivan, in said county.

Sec. 5. *And be it further enacted*, That there shall be three In Montgomery additional election precincts established in the county of Montgomery; one at the house of James Ballard, one at the house of Howell Tatum, jr. and one at the house of Thomas Bryd, in said county.

Sec. 6. *And be it further enacted*, That the election precinct heretofore established at Capt. James Moore's, on the s road in Bibb county be, and the same is hereby discontinued and in lieu thereof, one is hereby established at the house of Moses Overton, on the state road in said county.

In Pike.

Sec. 7. *And be it further enacted*, That the election precinct heretofore established at the house of James Buckalieu in Pike county be, and the same is hereby discontinued, and that an election precinct be established in lieu thereof at the house of William Gibbons, in said county.

In Pike.

Sec. 8. *And be it further enacted*, That there shall be an additional election precinct in the county of Pike, at Josiah Dyer's mill, in said county.

In Dale.

Sec. 9. *And be it further enacted*, That there shall be two additional election precincts established in the county of Dale; one at the house of William Stapleton, and one at the house of John Kemmey in said county.

In Henry.

Sec. 10. *And be it further enacted*, That the election precinct heretofore established at the house of Robert Johnston and Sion Smith, in Henry county be, and the same are hereby discontinued; and in lieu thereof, that one be established at the house of George Hultoes, sen'r. and one at the house of John Register; and that an additional precinct be established at the house of Elias Miller, in said county.

In Shelby.

Sec. 11. *And be it further enacted*, That the following additional election precincts shall be established in the county of Shelby, (to wit): one at the house of Reuben Blankenship, on Yellow Leaf, and one at the house of Thomas W. Smith, at the old court house, one at the town of Columbia; and that the precincts established at the house of Henry B. Robinson, and at the house of Robert Carden be, and they are hereby discontinued.

In Dallas.

Sec. 12. *And be it further enacted*. That the election precinct held at the house of John Rainer, in the county of Dallas be, and the same is hereby discontinued; and in lieu thereof there be an election precinct established at the house of James Marrs, in the county of Dallas, on the west of Bogue Chito.

In Blount.

Sec. 13. *And be it further enacted*, That the election precinct heretofore established at the house of George D. Statton, and the one at the house of William Nailor, in Blount county, be discontinued; and in lieu thereof there be one at the house of Tapley Murfrees, in said county.

In Jefferson.

Sec. 14. *And be it further enacted*, That there shall be established an additional election precinct at the house of John Aikins, sen'r. in the county of Jefferson.

In Monroe.

Sec. 15. *And be it further enacted*, That the election precinct heretofore established at the store house of Lark Abney, be discontinued, and in lieu thereof an election precinct is hereby established at the house of John Kyle: also an election precinct be and is hereby established at the store house of Alexander Watson, in the fork of Flat creek in Monroe county.

Sec. 16. *And be it further enacted*, That the election precinct heretofore established at the house of Daniel Fore in the county of Washington, be and the same is hereby discontinued, and in lieu thereof, one be, and is hereby, es-

established at the Store house of Jonathan Coolidge in said county.

Sec. 17. *And be it further enacted*, That the election precinct heretofore established at the muster ground of Captain Blackwell's company in Lawrence county, be and the same is hereby discontinued, and in lieu thereof that an election precinct be and the same is hereby established at Alexander Sommerville's store in said county. In Lawre.

Sec. 18. *And be it further enacted*, That there shall be two additional election precincts established in the county of Franklin, one at the house of Albert Horton near the village of La Grange, and one in the town of South Port in said county. In Franklin.

Sec. 19. *And be it further enacted*, That the election precinct heretofore established by law at the house of James Johnstons in the county of Mobile, be and the same is hereby discontinued, and in lieu thereof, one be established at the house of James Langham in said county, on the St. Stephens road. In Mobile.

Sec. 20. *And be it further enacted*, That an additional election precinct, be and the same is hereby established at the house of Henry Potts on the Conecuh river, in Conecuh county. In Conecuh.

Sec. 21. *And be it further enacted*, That the election precinct heretofore established at the house of James Grace, in Conecuh county, be, and the same is hereby, discontinued, and in lieu thereof an election precinct shall be established at the house of Josiah Ellis, in said county. In Conecuh.

Sec. 22. *And be it further enacted*, That an additional election precinct be and the same is hereby established at the house of Joseph Mott, in the county of Clarke. In Clarke.

Sec. 23. *And be it further enacted*, That the election precinct heretofore established at the house of Doctor Lockett, in Perry county, be and the same is hereby discontinued, and in lieu thereof there be one established at the house of David Derden in said county; and that the election precinct heretofore established at the house of Samuel Tubb in the aforesaid county, be, and the same is hereby, discontinued, and in lieu thereof there be one established at the house of J. J. Glen in said county; and that there be established an election precinct at the house of William Peoples, upon the state road in the aforesaid county, in lieu of one heretofore established at the house of John Mahon, upon the waters of Big Mulberry creek, which is hereby discontinued. In Perry.

Sec. 24. *And be it further enacted*, That the election precinct now established at the store house of Robert F. Houston, in the county of Morgan, be, and the same is hereby, discontinued, and that in lieu thereof an election precinct be and the same is hereby established in said county, on the plantation of Doctor Henry W. Rhodes, at the store house formerly occupied as such by Colonel Francis Dancy. In Morgan.

Sec. 25. *And be it further enacted*, That the election pre-

- In Mobile. cinct heretofore established by law at the house of Barteleml Grelot, in the county of Mobile, be and the same is hereby discontinued, and in lieu thereof one be and is hereby established at the house of John B. Bosage.
- In Butler. Sec. 26. *And be it further enacted,* That the election precincts heretofore established at the house of Reuben Ard, and the precinct at Fort Bibb, in the county of Butler, be and the same are hereby discontinued, and in lieu thereof one be established at the house of Jesse Allen, and one at the house of Jesse Womack, in said county.
- In Walker. Sec. 27. *And be it further enacted,* That an additional election precinct be and the same is hereby established at the house of Wyatt Cheatham, on Clear creek, in Walker county.
- In Marion. Sec. 28. *And be it further enacted,* That an additional election precinct be and the same is hereby established at the house of William Smith, sen. in Marion county.
- In Walker. Sec. 29. *And be it further enacted,* That there shall be established in the county of Walker the following additional election precincts: at the house of Wyatt Cheatham, on Clear creek, where said Cheatham's turnpike road crosses the same; one at Wm. Brown's, on Black Water; one at Matthew Payne's, on the Sipsie, near Cheatham's road; one at Eldredge Mallard's on Byler's road
- In Fayette. Sec. 30. *And be it further enacted,* That there shall be two additional election precincts in the county of Fayette—one at the house of Col. Grief Johnston, and the other at the house of Peter Tittles.
- In Tuscaloosa. Sec. 31. *And be it further enacted,* That there shall be an additional election precinct in the county of Tuscaloosa, at the house of James Hudson, on the Greensborough road, and at the house of Peter Donaldson.
- In Autauga. Sec. 32. *And be it further enacted,* That the election precinct heretofore established in the county of Autauga, at the house of Francis Posey, be and the same is hereby discontinued, and in lieu thereof an election precinct be and the same is hereby established at the house of William Johnston, in said county.
- In Covington. Sec. 33. *And be it further enacted,* That an election precinct be established at the house of Thomas Franklin, in Covington county, and the one heretofore established at the house of John E. Sentinel, in said county, be hereby discontinued.
- In Madison. Sec. 34. *And be it further enacted,* That the precincts heretofore established at Hillsborough, in Madison county, and also the one established at the widow Campbell's, on the head of the Hurricane fork of Flint river, be and the same are hereby abolished, and in lieu thereof there shall be one at Newmarket, in said county.
- In Tuscaloosa. Sec. 35. *And be it further enacted,* That the election precinct at Jesse H. Bramlett's, in Roup's valley, in Tuscaloosa county, be abolished, and in lieu thereof there shall be established an election precinct at the house of Elisha M'Math, in said county.

APPROVED, Jan. 13th, 1827.

AN ACT relative to certain officers in Fayette county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the assessor and tax collector of Fayette county be entitled to receive the same compensation for assessing, collecting, and accounting for the state tax of said county, as is now allowed by law to the assessors and tax collectors in the counties of Pike,

Assessor & tax collector of Fayette co'ty, how compensated.

Henry, Covington, Shelby, St. Clair, Pickens, Marion, Blount, Jackson and Walker; and ten per centum for collecting and accounting for the county tax.

Sec. 2. *Be it further enacted*, That the clerks of the county and circuit courts of Fayette county be allowed to keep their offices at any place not exceeding four miles from the court house in said county, until the first day of January, 1828, any law to the contrary notwithstanding. Clerks may keep their offices four miles from the court house.

APPROVED, Jan. 12, 1827.

AN ACT to authorize the county court of Wilcox county to levy an extra tax.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the county court of Wilcox county be and is hereby authorized to levy an extra tax for the year eighteen hundred and twenty-seven, subject to be applied to the ordinary purposes of county revenue: *Provided*, the tax authorized by this act shall not exceed twenty-five per centum on the state tax. County court to levy an extra tax. Proviso.

Approved, Dec. 22, 1826.

AN ACT compelling Clerks and Sheriffs of certain counties in this state to keep their offices at their several court houses.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That from and after the passage of this act, the clerks of the circuit and county courts, and the sheriffs, of the counties of Henry, Pike, and Covington, shall keep their offices at their respective court houses, or places of holding court, in their several counties. clerks & sheriffs of Henry, Pike and Covington counties to keep their offices at court houses.

Sec. 2. *And be it further enacted*, That if any clerk or sheriff shall violate the provisions of this act, he shall forfeit and pay the sum of five hundred dollars, recoverable before any court having cognizance thereof, one half to be paid into the county treasury, for county purposes, and the other half to any person suing for the above forfeiture. Penalty.

Sec. 11. *And be it further enacted*, That all laws and parts of laws contravening this act are hereby repealed. Repeal.

APPROVED, Dec. 22d, 1826.

AN ACT to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin, Jefferson and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid.

Whereas a part of the records and papers of the county courts of Perry, Franklin, Jefferson and Blount, are in a confused and disordered situation; and it being highly proper and necessary that the same should be transcribed and arranged— Preamble.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That the judges of the county courts and commissioners of roads and revenue of the counties of Perry, Franklin, Jefferson and Blount, be, and they are hereby, authorized and required to appoint and select some suitable person, Judges, &c. of county courts of Perry, Franklin, Jefferson and

Blount to have
certain re-
cords transcri-
bed.

whose duty it shall be to transcribe, in a neat and well bound book, to be provided for that purpose, such parts of the records now remaining in the clerk's office of the county courts of Perry, Franklin, Jefferson and Blount counties, as may be requisite, and arrange all papers appertaining to said offices in a suitable manner.

To make com-
pensation.

Sec. 2. *And be it further enacted*, That after the said transcript shall be made, and the papers arranged as aforesaid, it shall be the duty of the judge of the county court and commissioners of roads and revenue of the said counties to examine the same, and if found correctly transcribed and arranged, they shall allow the person so employed such compensation therefor as they may deem right and proper, to be paid out of the county treasury.

APPROVED, Dec. 12, 1826.

AN ACT to amend an act entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes.

commission-
ers to elect a
chairman.

His power.

Majority a
quorum.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the commissioners of Jackson county, appointed by the eleventh section of the above recited act, shall meet on the fourth Monday of February next, and elect from their body a chairman, who shall have power at any time when he may think the duties of their appointment may require, to convene the board at the court house, or other convenient place in Bellefonte.

Sec. 2. *And be it further enacted*, That a majority of the aforesaid commissioners shall constitute a quorum to do business.

Approved, Dec. 16th, 1826.

AN ACT to repeal in part an act, entitled "an act to establish the town of Carthage, in Tuscaloosa county.

Repeal.

When to take
effect.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That an act, entitled "an act to establish the town of Carthage, in Tuscaloosa county," approved 29th December, 1823, except so far as relates to the name of said town, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted*, That this act shall commence and be in force from and after its passage.

APPROVED, Dec. 22d, 1826.

AN ACT giving further time to persons holding claims against their respective counties to file the same.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That all persons holding claims against the respective counties of this state, and which have not been filed according to the provisions of an act passed the twelfth day of January, 1826, have further time until the first day of December next to file the same; any law to the contrary notwithstanding.

APPROVED, Dec. 30, 1826.

AN ACT to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the first section of an act entitled an act to appoint commissioners for certain counties therein named, and for other purposes, passed December 13th, 1821, as appoints commissioners for Covington county, be and the same is hereby repealed: and it shall be the duty of the said commissioners, appointed by said act, to transfer to the judge of the county court and the commissioners of roads and revenue of Covington county, all the papers, documents, records, and money, which may be in their possession as commissioners aforesaid, and render to them a true and faithful report of all the receipts and disbursements which shall have been incident to their commission, and the same shall operate as a final discharge of their responsibility. Repeal.

com'rs under act of 1821, to transfer to the judge & com'rs of the county court all papers, &c. in their possession.

SEC. 2. *And be it further enacted,* That Peter Simmons and George Jones be, and they are hereby appointed commissioners for Henry county, in place of Benjamin Harvey, deceased, and Bartlett Smith, resigned. comm'rs for Henry county appointed.

Approved, Jan. 13th, 1827.

AN ACT to compel the commissioners of the Town of Greenville in Butler county, to transfer all papers relative to the lots of the said Town, to the judge of the county court and commissioners of roads and revenue of Butler county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioners appointed by an act of the General Assembly of this state, passed the 13th of December, 1819, so far as respects the county of Butler, be and they are hereby required to transfer to the Judge of the county court and commissioners of roads and revenue, all the lands and lots that may have been by them purchased out of the county funds for the use of said county to pay over to the said judge and commissioners all monies in their hands arising from the sale of any lot or lands, purchased as aforesaid, to transfer to them all bonds, notes, or other evidence of debt arising from said sale or sales, and to transfer to the said judge and commissioners all papers relating to the said purchase and sale and all papers relative to their actings and doings, any law or usage to the contrary notwithstanding. commissioners to transfer certain papers &c. to judge of county court and com'rs of roads and revenue.

APPROVED, DEC. 22, 1826.

AN ACT authorizing the election of certain officers in the town of Greenville, in Butler county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be elected in the town of Greenville in said county on the first Monday in February next, one justice of the peace and constable, who shall hold their office for the term of three years. Justice of the peace & constable.

SEC. 2. *Be it further enacted,* That said election shall be

Election to be held by the captain of the district.

held in said town, by the captain of the district in which the same is situated, and shall be conducted in all respects as elections for justices and constables in other cases; and the said officers shall be commissioned as others of the same description.

captain's duty if no election should be held at the time named, or a vacancy occur.

Sec. 3. *Be it further enacted*, That should the election not be held according to the first section of this act, the captain of the district shall be authorized to hold the same at any other time, by giving five days previous notice of the time and place of holding the same, by advertisement set up at some public place in said town; and also, whenever a vacancy may occur by expiration of the term, or otherwise, the same shall be filled in the manner prescribed in this section.

Qualifications

Sec. 4. *Be it further enacted*, That the said justice and constable, shall be elected by the qualified electors residing within the corporate limits of said town, and no person shall be elected to either of said offices unless he be entitled to vote in such election, according to the provisions of this act, and any person holding either of said offices and removing out of the corporate limits of said town, shall vacate the same.

Jurisdiction.

Sec. 5. *And be it further enacted*, That the said justice and constable, shall have concurrent jurisdiction, in all civil and criminal matters with other justices and constables in and for said county, and be subject to the same penalties, and shall be entitled to the same compensation for similar services.

compensation

APPROVED, DEC. 22, 1826.

AN ACT to authorize the raising by lottery a sum of money for purposes therein specified.

Managers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Jack F. Ross, Thomas L. Hallett and John W. Townsend, of the city of Mobile, Uriah Blue, of the county of Baldwin; John Herbert, jr. of the county of Butler, John Watkins, of Conecuh county, and Labon Warren, of Monroe county, be, and they are hereby appointed managers, (any three of whom shall be competent to act), with full power and authority to raise by lottery, a sum not exceeding five thousand dollars, to be laid out in the improvement of the federal road leading from fort Dale in Butler county, by the way of Durant's, to the town of Blakely, in Baldwin county.

Lottery authorized.

Money to be deposited in the bank of Mobile.

Sec. 2. *And be it further enacted*, That the sum thus raised, be deposited in the bank of Mobile, to be applied as hereinafter specified.

Board of Improvement appointed.

Their power and duty.

Sec. 3. *And be it further enacted*, That Cyrus Sibley of Baldwin county, Jesse Wamack of Butler county, James A. Tate of Monroe county, and Enoch Parsons of Conecuh county, be and they are hereby constituted & appointed, a Board of Improvement; any three of whom shall be competent to transact business; whose duty it shall be to appoint a president, and establish such regulations for their government, as they may deem expedient; and the said Board shall divide the said road into

such sections as they may, in their discretion, think proper, and shall let out to the lowest bidder, after proper notice thereof, each section of said road, to be bridged, causewayed, and improved in such manner, as they may direct.

Sec. 4. *And be it further enacted*, That it shall be lawful for the said President, by and with the consent of the said Board, or any two of them, to draw upon the Bank of Mobile, out of the deposits aforesaid, for any and all such sums of money as may be necessary to meet any contracts which may have been entered into by the said Board.

President with two of the board may draw money out of the bank.

Sec. 5. *And be it further enacted*, That it shall be the duty of the managers appointed in the first section of this act, to notify in writing each member of the aforesaid board of improvement, stating the precise amount of money raised, and deposited as above specified and directed: and the said Board of improvement shall not be required to act until they shall have been notified as herein directed.

Duty of the managers.

Board not required to act until notified.

Sec. 6. *Be it further enacted*, That so soon as the commissioners aforesaid shall have been notified by the managers as aforesaid, it shall be the duty of General Enoch Parsons, to convene the commissioners, by giving previous notice of the time and place at which they will be required to assemble.

Gen. Enoch Parsons to convene the board of commissioners.

Sec. 7. *And be it further enacted*, That the members of the said Board of Commissioners, and the said managers, shall be entitled to receive three dollars per day, out of the sum of money raised as above, for each and every day they may be actually engaged in carrying into effect the provisions of this act.

commissioners and managers, their compensation.

Approved, Jan. 11, 1827.

AN ACT supplementary to an act for the government and harbor of Mobile.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of October next, every branch pilot of the bay, and harbor of Mobile, shall be owner or part owner of a pilot boat of not less than thirty tons burthen, and shall keep such boat exclusively employed as a pilot boat, and every such branch pilot not owning or employing a pilot boat as aforesaid, shall forfeit his office of branch pilot of the bay and harbor of Mobile.

Branch pilot to be owner of a pilot boat.

Penalty.

Sec. 5. *And be it further enacted*, That the fifteenth section of an act entitled an act for the government of the port and harbor of Mobile, passed December 23d 1822, be, and the same is hereby repealed.

Repealing clause.

Approved Jan. 5th. 1827.

AN ACT to authorize the Mobile school commissioners to raise a sum of money by lottery.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Mobile school commissioners be, and they are hereby authorized to raise by lottery, in such mode, and by such scheme or schemes as they may deem expedient, a sum of money not exceeding twenty-five thousand dollars in aid of the fund for the support of schools in said county; which said

Lottery authorized.

Proviso.

lottery shall be conducted under the superintendence of a committee of the said commissioners, or under such regulations as the board may by their bye-laws prescribe: *Provided*, the same be not repugnant to the laws of this state.

Approved, Jan. 12th, 1827.

Limits of Autauga county extended.

AN ACT to extend the civil and criminal jurisdiction of this state over so much of the Creek nation, as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of the State of Alabama.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That after the first day of March, 1827, the limits of the county of Autauga be, and the same are hereby extended, so as to embrace all that country in the Creek nation lying west of the Chatahoochie river, south of the dividing line between the Creek and Cherokee nations, east of the Coosa river, and north of a line beginning at the first big falls of the Coosa river, and running in a direct line to Oakfuskee, Old Town on the Talapoosa river, from thence in a direct line to the falls of Chatahoochie river.

civil and criminal jurisdiction of this state extended.

Proviso.

Sec. 2. *And be it further enacted*, That the civil and criminal jurisdiction of this state be, and the same is hereby extended over so much of the Creek territory, as is described in the foregoing section; and that the circuit court of Autauga be authorized and required to enforce the same in as full and ample a manner in the above described country, as in any other part of the county of Autauga: *Provided*, That nothing in this act shall be so construed as to give any Creek, or other Indian, any political or civil rights other than those of protection under the laws of this state; and that the performance of no public duties, and the payment of no taxes be required of the same.

copy of this act to be sent to agent for the creek Indians.

Sec. 3. *And be it further enacted*, That the Secretary of State be required to transmit a copy of this bill to John Crowell, Agent for the Creek Indians, as soon as practicable after the passage of the same into a law.

APPROVED Jan. 11th, 1827.

49th regiment, now formed.

AN ACT to divide the 42d Regiment of the Militia of this State.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the 42d regiment of the militia of this state as is bounded as follows, to wit: On the north by the Creek nation of Indians—On the south, by the county of Covington and part of Butler—On the east, by Pea River—and the west, by the counties of Montgomery and Butler, shall compose the 49th regiment of the militia of this state.

colonel to be elected.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Brigadier-General of the 11th Brigade, to cause an election to be holden for a Colonel, to command said Regiment whose duty it shall be to organize said regiment, in conformity to the existing laws of this state.

APPROVED Jan. 1st, 1827.

AN ACT to pay officers for taking prisoners from one county to another in this state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, when it shall be necessary to remove prisoners from one county in this state to another, for trial, under an order of court for a change of venue, agreeable to law, it shall be lawful for the jailor, sheriff, or such other person whose duty it shall be to remove said prisoner, to draw up his account against the state, for the services performed, including the necessary expenses of travelling to and from the respective counties, which account shall be sworn to before some acting justice of the peace, and certified by the court in the same manner as accounts are now required to be certified for keeping prisoners in the public jails of this state.

Officers paid for taking prisoners from one county to another.

Sec. 2. *And be it further enacted,* That when such services are performed in apprehending persons fleeing from justice charged with high crimes and misdemeanors against the state, and who shall be apprehended in any other than the county where the offence was committed, it shall be lawful for the officer, jailor, or other person apprehending such persons, to produce evidence satisfactory to the court before whom the said offences are cognizable, of the performance of such services, and the necessary expenses incurred in performing the same: and the said court may allow reasonable and fair compensation, which shall be certified by the court, and the same shall be chargeable on the state treasury, under such rules and regulations as are prescribed for the payment of other charges against the state.

Officers apprehending offenders out of the county in which the offence was committed, how paid.

APPROVED, Jan. 12, 1827.

AN ACT to incorporate the Mobile marine railway and insurance company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established in the city of Mobile, a company, for the purpose of erecting a marine iron railway, for the hauling up and repairing of vessels, steam boats, and other water craft, and for transacting the business of marine, inland, and general insurance; which company shall be called and known by the name, style, and title of "The Mobile Marine Railway and Insurance Company;" and all such persons as shall be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, they and their successors, by the name, style, and title of "the Mobile Marine Railway and Insurance Company," shall be in law capable of purchasing, holding and conveying all kinds of estate, whether real or personal, for

Company established.

Name & style.

To have continual succession.

Powers.

May purchase and convey all kinds of property.

Capital stock
not to exceed
\$500,000.

Divided into
shares.

Shares, how
paid.

Proviso.

the use of said corporation, subject to the restrictions herein after mentioned: that the capital stock of the said corporation shall not exceed the sum of five hundred thousand dollars, divided into five thousand shares, of one hundred dollars each, one fifth, or twenty per cent thereof, to be paid in at the time of subscribing, and the remaining four-fifths, or eighty per cent, by such instalments as the directors shall appoint: *Provided, however,* That the first board of directors, to be chosen as hereinafter directed, shall within one month after their appointment take good and satisfactory security, to consist either in bank or other stock, at two thirds of the par value thereof in the market, or deeds of trust on real estate within this state, of at least fifty per cent above the value for which the same shall be hypothecated, exclusive of buildings, unless the same be insured, for the payment of the said remaining four-fifths, or eighty per cent, whenever it shall be deemed expedient to call for the same.

President and
directors may
change securities.

Sec. 2. *And be it further enacted, by the authority aforesaid,* That it shall be lawful for the President and Directors of said company, or a majority of them, to alter and change the securities to be taken as aforesaid, from time to time, for other securities of the same nature, as they may deem expedient.

Subscriptions
to be opened
on the 15th
January, 1827

Superintend's

Share holders,
how entitled
to vote.

Sec. 3. *And be it further enacted by the authority aforesaid,* That subscriptions shall be opened for the said shares on the fifteenth day of January, 1827, under the superintendence of Thomas L. Hallett, Daniel Stow, Philip M'Losky, Guerdon Robinson, Wm. Raser, Moses Sewald, Wm. Jones, Jun. J. W. Townsend, Barrett Ames, J. F. Ross, Henry A. Ellis, J. Grovesnor, and Henry F. Perkins, or any four of them, which said subscriptions shall continue open until the whole of the said capital stock shall be subscribed. But no share or shares shall entitle the holder to vote, unless the same shall have been held *bona fide* by him or her at least sixty days next immediately preceding such election.

Directors to
be chosen.

Term of office.
Shall be hold-
ers of certain
shares.

When & how
elected.

Sec. 4. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs and concerns of the said corporation, there shall be chosen thirteen directors, who shall hold their office for one year, and until new directors shall be chosen, which directors, at the time of their election, and during their continuance in office, shall be holders, in their own right, of at least ten shares, and shall be elected annually after the first election, at the office of the said company, or at any other convenient place in the city of Mobile, and at such time of the day as the President shall appoint, of which election notice shall be given in at least *one* of the newspapers printed in the city of Mobile, and continued for seven days immediately preceding such election; and the election shall be by ballot, and determined by a plurality of votes of the stockholders present, and each stockholder shall be entitled, for every share, to one vote: But if it should happen that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been made,

the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day: *Provided*, ^{Proviso.} the same be done within thirty days thereafter.

Sec. 5. *And be it further enacted, by the authority aforesaid,* That the directors of said company, in the first instance, shall be chosen in the manner following, that is to say: as soon as one hundred thousand dollars are subscribed, the said Thomas L. Hallett, Daniel Stow, Philip M'Losky, Guerdon Robinson, Wm. Raser, Moses Sewald, Wm. Jones, Jun. J. W. Townsend, Barrett Ames, J. F. Ross, Henry A. Ellis, J. Grovesnor, and Henry A. Perkins, beforenamed, shall appoint a place within the said city, for proceeding to the election of said thirteen directors, and shall give seven days notice of the same in a newspaper printed in the city of Mobile; and it shall be lawful for such election to be then and there holden by the subscribing stockholders, by ballot, under the direction of the before mentioned persons, or a majority of them; and the persons then and there chosen shall be the first directors, and shall be capable of serving by virtue of such choice for one year from said date, and until another board shall be chosen; that the directors shall meet as soon as may be after every election, and shall choose out of their own body a President, who shall serve until the next election; and that in case of vacancy, by death or resignation, or inability to serve as the President, such vacancy shall be filled by a special election for that purpose, notified by any two of the directors, at least three days before the election.

Amount of \$100,000 being subscribed directors to be elected.

Directors to choose a President.

Vacancies, how to be filled.

Sec. 6. *And be it further enacted, by the authority aforesaid,* That the directors, or a majority of them, shall have power to make, prescribe, and alter such bye-laws, rules and regulations as to them shall appear needful and proper, touching the well ordering of the said corporation, the management and disposition of its stock, property, estate and effects: *Provided always*, That such bye-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States of America, or the constitution and laws of this state.

Directors empowered to make bye-laws, &c.

Proviso.

Sec. 7. *And be it further enacted, by the authority aforesaid,* That the president, together with two of the directors, or three directors in the absence of the president, shall have full power and authority, on behalf of the corporation, to make general insurance upon buildings, vessels, freight, money, and on all goods, wares and merchandize, and to fix premiums for the same; also to transact all such matters as appertain to the establishment of a marine railway, and to establish the tolls for the use of the same; and all policies of insurance by them made shall be subscribed by the president or two directors of the "Mobile Marine Railway and Insurance Company," and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in like manner, and with like force and effect, as if under the seal of the said corporation.

Power of the president in making insurance on buildings, vessels, &c.

Sec. 8. *And be it further enacted, by the authority aforesaid,*

To be two stated meetings of the board in every year.

That there shall be two stated general meetings of the directors in every year, at which periods they shall examine the accounts, and make a dividend of so much of the profits of the corporation, as to them, or a majority of them, may seem advisable.

What property to be held by the corporation.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be such as shall be requisite for its accommodation in relation to the convenient transaction of business, or such as shall have been *bona fide* mortgaged to the said corporation by the way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts.

Not to deal in merchandize.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize whatsoever.

No insurance to be made till four-fifths of the capital shall have been received.

Sec. 11. *And be it further enacted by the authority aforesaid,* That no insurance shall be made by the corporation, until the several securities to be taken for the four-fifths of the said capital stock shall have been received by the directors of the said company; and if sixty days after the appointment of the first board of directors, any of the subscribers shall neglect to give such security as shall be satisfactory to the said directors, such subscribers so neglecting, shall forfeit the first payment made as aforesaid, to the said corporation.

Not more than 50 shares to be subscribed for, the first day.

Sec. 12. *And be it further enacted by the authority aforesaid,* That on the first day on which the subscription for the said shares shall be opened, no person shall be entitled to subscribe in his or her own right, for a greater number than fifty shares of the said capital stock.

How taxed.

Sec. 13. *And be it further enacted by the authority aforesaid,* That no higher tax shall either directly or indirectly be imposed upon the capital stock of said company, than is now, or may hereafter be imposed upon the capital stock of the banking institutions of this state generally.

Corporation not to use banking powers.

Sec. 14. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said corporation, to use or employ any part of its capital for banking purposes, or exercise banking powers in any manner whatsoever; and that all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialties at law.

Stockholders liable for debts in proportion to their shares

Sec. 15. *And be it further enacted by the authority aforesaid,* That for all debts contracted by the said corporation, the stockholders at the time the same shall have been contracted, shall be liable in their private and natural capacities, in proportion to the number of shares by them held; and may be proceeded against therefor, jointly or severally, in any court having jurisdiction of the same; but this provision shall not

be construed to exempt the said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable.

Sec. 16. *And be it further enacted*, That this act shall continue and be in force until the thirty-first day of December, 1850: *Provided always*, that if the said corporation shall at any time during the term for which the same is hereby granted and created, neglect or refuse to pay, or cause to be paid, any tax or taxes, which may be lawfully imposed upon the said corporation, or the capital stock of the same; or if the said corporation shall do any act or thing contrary to the provisions of this act, then, and in any such case, it shall not be lawful for the said corporation thereafter to enjoy or exercise any of the privileges by this act granted; and all the powers, privileges, benefits and advantages, in and by this act granted to said corporation, shall thereafter cease, determine, and become null and void; and each and every director of the said corporation, who may have agreed to, or voted for, any such act, contrary to the provisions of this act, shall be personally holden to each and every person who may sustain any loss or damage, in consequence of such act or thing.

Corporation
how long to
continue.
Proviso.

Approved, Jan. 13th, 1827.

AN ACT to divide the 36th regiment of Alabama militia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that part of the thirty-sixth regiment of the militia of this state, which lies west of the Alabama river in Wilcox county, shall constitute one regiment, to be called the fiftieth regiment of Alabama militia.

50th regiment
formed.

Sec. 2. *And be it further enacted*, That it shall be the duty of the brigadier general of the seventh brigade to order an election to be holden for a colonel to command the said fiftieth regiment, whose duty it shall be to proceed to organize said regiment in the manner prescribed by law.

Brig. General
to order an
election for
colonel of 50th
regiment.

Sec. 3. *And be it further enacted*, That the field officers of the fiftieth regiment be, and they are hereby authorized to organize a militia company in the Choctaw corner settlement, in Wilcox county, to consist of a less number of privates than is now required by law to constitute a militia company.

Field officers
of 50th reg't.
to organize a
company of
militia.

APPROVED Jan. 1, 1827.

AN ACT to authorize the Field Officers of the 46th regiment to form a company of militia in Broxton's settlement.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the field officers of the forty-sixth regiment, and the field officers of the sixteenth regiment, be, and they are hereby, required to form and organize a company of militia in their several regiments; one in what is known by the name of Broxton's settlement, in Dale county; and one in Kennedy's settlement, in Marion county; each of which companies may consist of a less number of privates than is now required by law.

Field officers
of 46th & 16th
reg'ts to form
militia com-
panies in certain
settlements.

APPROVED Jan. 1, 1827.

AN ACT better to provide for leasing the 16th section therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the agents or commissioners, for the sixteenth section (of land), in township 1, range 11, west of the meridian of Huntsville, be, and they are hereby authorized to lease said section, or any part thereof, for any number of years.

Agents or commissioners authorized to lease.

To be governed by laws now in force.

Comm'rs appointed to lease section 16, range 11.

Sec. 2. *And be it further enacted,* That the said agents or commissioners, shall in all other respects be governed by the laws now in force, providing for leasing the 16th sections, and for the application of the funds arising therefrom.

Sec. 3. *And be it further enacted,* That William Billingsly, James A. Williams and Alexander Williams, or a majority of them, be, and they are hereby authorized to lease, for any number of years, the whole or any part of the sixteenth section, in township eleven, range two, west of the meridian of Huntsville, and are hereby created commissioners for the same.

APPROVED, Jan. 11, 1827.

AN ACT to authorize the Trustees of certain 16th sections in Jackson county to lease them for any number of years not exceeding twenty.

Trustees of 16th sections having mill seats on them authorized to lease.
Term of lease

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the trustees of all 16th sections in said county, having on them suitable mill seats, may, and they are hereby authorized to lease the whole, or so much of them as they may deem necessary, for the purpose of erecting thereon grist-mills, or any other machinery, any number of years they may deem expedient, not exceeding twenty.

Trustees, in other respects how governed

Sec. 2. *And be it further enacted,* That the said Trustees shall, in all other respects, be governed by the laws now in force on the subject.

Approved Dec'r. 30th 1826.

AN ACT to authorize the School commissioners of the 17th Township, of range 13, to lease the 16th section in said Township.

School com'rs authorized to lease 16th section.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the school commissioners of the township numbered seventeen, in range numbered thirteen, in the district of lands directed to be sold at Cahawba, be, and they or a majority of them, are hereby authorized and empowered to lease the section numbered sixteen, in said township, for any term not exceeding ninety-nine years.

Lease to the highest bidder and to give notice of time and place.

Sec. 2. *And be it further enacted,* That it is hereby made the duty of said school commissioners to offer the said land to lease to the highest bidder; and it is hereby made the further duty of the said school commissioners to give public notice by advertisement, to be set up in three or more public places in said township, at least thirty days previous to the leasing said section, of the time and place of the same, and also of the conditions on which said section is to be leased.

Sec. 3. *And be it further enacted,* That it shall be the duty of said school commissioners to offer said sixteenth section in

tracts or parcels of one half quarter section each, on a credit of four equal annual instalments, to commence from the day of said lease: *Provided, nevertheless,* That said land shall not be leased for a less sum than five dollars per acre. In tracts or parcels of half quarter each. *Provido.*

Sec. 4. *And be it further enacted,* That it shall be the duty of said school commissioners to secure the payment of the sums stipulated to be given by the lessors of said lands, by good and sufficient personal security, and also a lien on said lands. To secure payment.

Sec. 5. *And be it further enacted,* That it shall be the duty of said school commissioners, and their successors in office, to vest the proceeds of the said leases in some profitable fund, or lend the same on lawful interest; and apply the proceeds thereof to the use and purpose for which the said sixteenth section was reserved by the general government: *Provided,* That nothing herein contained shall be so construed, to vest in said commissioners, or their successors in office, the power of disposing of said proceeds, in any other manner than to appropriate the interest arising from the same, to the support of the school in said township. How to vest the proceeds. *Provido.*

Sec. 6. *And be it further enacted,* That in all cases, before any school commissioner of said township shall enter upon the discharge of the duties of his station, he shall take and subscribe before some person authorized to administer the same, the following oath, to wit:—I do solemnly swear, or affirm, (as the case may be,) that I will, to the best of my ability, and without partiality or favor, discharge the duties enjoined upon me, as a school commissioner of the 17th township of range 13, so long as I continue in office, so help me God. To take oath.

Approved Jan. 13th, 1827.

AN ACT to regulate the fees of certain public officers in Baldwin county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the Judge of the county court, the Clerk of the circuit court, and the Clerk of the county court, the Sheriff and the Coroner, and all Justices of the Peace and Constables of Baldwin county, in addition to the fees of office now allowed by law, severally to demand and receive, fifty per centum on the amount of such fees—any law to the contrary hereof notwithstanding. Fees of certain officers.

Sec. 2. *And be it further enacted,* That this act shall take effect from and after the passage thereof. When to take effect.

Approved, Jan. 5, 1827.



AN ACT reducing the price of the Digest of the laws of Alabama.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, it shall and may be lawful for the digest of the laws of Alabama compiled by the late judge Toulmin, to be sold at the price of two dollars and a half per copy, any law to the contrary notwithstanding. Digest of the laws of Alabama, price reduced.

Governor to
notify agents
of said reduc-
tion.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Governor, immediately after the passage of this act, to notify the several agents who are intrusted with the sale of the laws aforesaid, with the price of the same as established by this act, and the said agents are required to make known the same by advertisement, set up at the doors of their respective court houses.

APPROVED, JAN. 11, 1827.

AN ACT concerning the 16th section herein mentioned.

Com'rs autho-
rized to lease
a certain 16th
section.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioners for the sixteenth section in township three and range eleven west of the meridian of Huntsville, be and they are hereby authorized to lease said section for any term of time not exceeding twenty years, renewable for ever on the expiration of such successive terms on the payment by the lessee or lessees, his or their heirs, executors or administrators or assigns, of such sum or sums of money as may be stipulated and agreed upon, by the parties at the time of executing such lease, and rendering rent annually, after the expiration of such time, as may by said commissioners be thought reasonable after the execution of such lease.

Said comm'rs
or their suc-
cessors autho-
rized to pur-
chase a cer-
tain quarter
section.

Sec. 2. *Be it further enacted,* That said commissioners or their successors in appointment are hereby authorized to procure by purchase or otherwise from the government of the United States, the south east quarter of section number nine, township three, range eleven west of Huntsville, and they are hereby authorized to procure the same by purchase out of the first proceed of the rent arising from said sixteenth section for the use and benefit of the inhabitants of said township forever.

APPROVED, JAN. 13th, 1827.

AN ACT organizing the 12th Regiment of Militia, in St. Clair county.

Preamble.

Whereas, great inconvenience exists in the 12th regiment of Alabama militia in the 3d brigade, in consequence of the local situation thereof, for remedy whereof,

12th regiment
to consist of
three battal'ns.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the twelfth regiment for the convenience of the militia thereof, shall and may consist of three battalions; the first battalion shall be commanded by the lieutenant colonel, the second and third battalions shall be commanded by majors.

Field officers
of 12th reg't
to retain the
command as
heretofore.

Sec. 2. *And be it further enacted, by the authority aforesaid,* That the field officers in command in the regiment aforesaid, shall retain the command heretofore held by them, and the bounds of the respective militia companies shall be designated altered or amended, according to the existing militia laws of this state.

Vacancies in
2d or 3d bat'ns
now filled.

Sec. 3. *And be it further enacted by the authority aforesaid,* That where there may be any vacancy for a major in the second or third battalions, the colonel shall cause an election

to be held for the purpose of electing a major, or where there has been no major commanding either of the battalions aforesaid, an election shall be held to fill the commands according to the rules prescribed by the existing laws.

Approved Jan. 12, 1827.

AN ACT making it the duty of the Comptroller of Public Accounts to lay before both houses of the General Assembly, annually, in the first week of its session, a fair expose of the disbursements made from the contingent fund.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,* That hereafter it shall be the duty of the Comptroller of public accounts to lay before both houses of the general assembly, annually, in the first week of its session, a full expose of the disbursements made from the contingent fund, to whom paid, and for what services; any law, usage or custom to the contrary notwithstanding. Comptroller to lay before the gen. assembly an expose of the disbursements made from the contingent fund.

APPROVED Jan. 12, 1827.

AN ACT to make an appropriation for digesting and revising the Militia and Patrol laws of this State, as authorized by the General Assembly at their last session.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,* That the sum of two hundred dollars be, and the same is hereby, appropriated to T. W. Farrar, as compensation for digesting and revising the militia and patrol laws of this state, in conformity to an act of the General Assembly, passed the 4 day of Jan, 1826; and that the Comptroller be, and he is hereby, authorized to draw his warrant on the Treasurer for the said sum in favor of the said T. W. Farrar. T. W. Farrar.

APPROVED, Dec. 13, 1826.

AN ACT to provide for the payment of Petit Jurors in certain counties therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened,* That the petit jury in the several counties of Clarke, Washington, Marengo, Butler, Dallas, Conecuh, and Shelby, shall in all civil cases on which verdicts shall be rendered by them, receive the sum of two dollars for each cause tried, to be paid by the plaintiff, or successful party, at the time of rendering the verdict, which shall be full compensation for their service as jurors; and the sum so paid by the plaintiff, or successful party, shall be taxed and collected in the bill of costs, for the use of the successful party. Petit jurors in certain counties to be paid \$2 for each cause.

SEC. 2. *And be it further enacted,* That the tax of two dollars on each suit, now authorized by law to be taxed in the bill of costs, shall cease to be in force in the several counties in this act mentioned. Repeal.

SEC. 3. *And be it further enacted,* That all laws, and parts of laws, now in force providing for the payment of petit jurors, so far as respects the several counties in this act mentioned, be and the same are hereby repealed. Repeal.

APPROVED, Dec. 22, 1826.

AN ACT to require additional services to be performed by the judge of the first judicial circuit in this state.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the first judicial circuit of this state be, and he is hereby, required, in addition to the duties now required of him by law, to hold two extra terms of the circuit court in the county of Mobile, for the trial of criminal causes; and it shall be and is hereby made the duty of the sheriff and clerk of the circuit court of the said county of Mobile to draw, in the manner now pointed out by law, the same number of jurors required to the regular terms of said court; and it shall be the duty of the sheriff to summon said jurors to attend the said extra term of the circuit court hereby required to be holden.

Judge of first judicial circuit to hold two terms of circuit court in Mobile.

Courts, when held.

SEC. 2. *And be it further enacted,* That the said extra terms of the circuit court of Mobile county required by the first section of this act to be held, shall commence on the second Mondays of February and June, and shall continue one week if business so long require.

Repeal.

SEC. 3. *And be it further enacted,* That the acts heretofore passed requiring the judges of the circuit courts to alternate, so far as the same relates to the judge of the first judicial circuit, be and the same is hereby repealed.

SEC. 4. *And be it further enacted,* That no extra pay be allowed said judge for the services above required.

APPROVED Jan. 12, 1827.

AN ACT prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color.

Slaves or free persons of color, for manslaughter on persons of color, how punished.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any slave or free person of color shall hereafter be tried and found guilty of the crime of manslaughter, committed on the body of any other slave or free person of color, such slave or free person of color, so offending, shall receive not less than thirty-nine, nor more than one hundred, lashes, on his or her bare back, at the discretion of the jury trying the offence, to be inflicted by the sheriff of the county in which said slave or free person of color shall be found guilty; and moreover, that such slave or free person of color be branded in the forehead with the letter M.

When to take effect.

SEC. 2. *And be it further enacted,* That this act shall commence and be in force from and after its passage.

APPROVED, Dec. 30, 1826.

AN ACT to prevent the Creek Indians from hunting and trapping within the settled limits of this State.

Creek Indians prevented from hunting, trapping and

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened,* That if any Creek Indian or Indians shall, after the first day of May next, be found hunting, trapping or fishing within the settled limits of this state, or upon any lands in this state to

which the Indian title has been extinguished, it shall be lawful for any person or persons to arrest such Indian or Indians so found hunting, &c. as aforesaid, and to carry him or them before some justice of the peace of the county in which such offence may have been committed. fishng within the settled limits of this state.

Sec. 2. *And be it further enacted*, That it shall be lawful for any justice of the peace, before whom any Indian or Indians may be brought for trial, charged with the offence of hunting, &c. as specified in the first section of this act, to examine such proof as may be adduced before him, and if in his judgment such Indian or Indians be guilty of the offence with which he or they may stand charged, such justice shall cause the gun and trap or traps of such Indian or Indians to be taken from him or them, and place the same in the hands of some constable, whose duty it shall be, (on giving ten days notice by public advertisement,) to proceed to sell the same to the highest bidder, for cash, and pay the proceeds thereof, to the agent of the nation to which such Indian may belong, for the use and benefit of such Indian, after deducting his fees for said service; and upon conviction before any justice of the peace of any Indian or Indians, of a second offence of hunting, &c. as aforesaid, said justice may commit any such Indian or Indians to the common jail of the county in which such offence may have been committed, for any time not more than five, nor less than one day. How proceeds charged against. For second offence, how punished. APPROVED Jan. 11, 1827.

AN ACT to exempt the members of the Hook and Ladder company in the city of Mobile from militia and patrol duty, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the same privileges and immunities heretofore granted by law to the members of the Neptune Fire Companies No. 1 and 2, in the city of Mobile, be, and they are hereby, extended to the Hook and Ladder Company of said city: *Provided, however*, That the number of said company shall not at any one time exceed twenty-five. Hook and ladder company, their privileges. Proviso.

Sec. 2. *Be it further enacted*, That all licensed physicians within the city of Mobile, be and they are hereby exempted from serving on juries: *Provided, however*, that they and each of them, who may avail themselves of this exemption, pay into the treasury of the school fund for the county of Mobile the sum of five dollars per annum, as an equivalent for the immunity hereby granted. Physicians in Mobile exempt from serving on juries. Proviso. APPROVED, Jan. 12, 1827.

AN ACT further to relieve insolvent debtors, and the better to secure the rights of creditors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the head of every family in this state may be entitled to keep one work horse, mare, mule, or oxen, exempt from execution from the first day of February until the first day of August in every year: *Provided*, the person or persons wishing to take the benefit of this act will enter into What property exempt from execution. Proviso.

bond, with good and sufficient security, for the delivery of said property so retained in possession, or value thereof in cash, to any creditor or creditors who may have said property levied on by virtue of an execution, on or before the first day of August aforesaid.

Bonds to have the effect of a judgment.

Sec. 2. *And be it further enacted*, That all bonds taken pursuant to the provisions of this act shall have the force and effect of a judgment against principal and security, provided the property retained by virtue of the same shall not be delivered on or before the day pointed out in said bond or bonds: *Provided*, that this act shall not be so construed as to affect the collection of any debt contracted previous to the passage thereof.

Proviso.

Security not to be taken in a greater sum than value of the property.

Sec. 3. *And be it further enacted*, That any person or persons who may take the benefit of this act shall not be compelled to give security in a greater sum than the value of the property so retained; to be settled according to the judgment of two respectable citizens of the neighborhood.

Repeal.

When to take effect.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby, repealed; and this act shall take effect and be in force from and after the passage thereof.

Approved, Jan. 13th, 1827.

AN ACT to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue for the county of Shelby be, and they are hereby, authorized to appoint commissioners, whose duty it shall be so to alter the state road leading from Kiamulgha in said county to Tuscaloosa, as that it shall not pass through the plantation of Wm. Hughs. **APPROVED Jan. 12, 1827.**

AN ACT to prohibit the importation of slaves into this state for sale or hire.

Slaves not to be brought into this state for sale or hire after first of August next.

Penalty.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of August next, it shall not be lawful for any person or persons to bring within the limits of this state any slave or slaves for the purpose of sale or hire—And if any person or persons shall bring into this state any slave or slaves, for the purpose of sale or hire, or shall sell or hire, or offer to sell or hire, any slave or slaves brought into this state after the first day of August next, such person or persons shall forfeit and pay the sum of one thousand dollars for each negro so brought in, one half thereof to the person suing for the same, and the other half to the use of the state—And moreover, any person thus offending shall be subject to indictment, and on conviction shall be liable to be fined in a sum not exceeding five hundred dollars for each of—

fence, and shall be imprisoned not exceeding three months, at the discretion of the jury trying such offence.

Sec. 2. *And be it further enacted*, That nothing in this act shall be so construed as to prevent citizens of this state from purchasing any negroes for their own use: *Provided*, they shall not hire or sell any such negroes for the term of two years from the time of their being brought into this state: *Provided*, nothing in this act contained shall prevent the hiring negroes belonging to the estate of any person who may depart this life within two years after having brought negroes into this state under the provisions of this act.

APPROVED, Jan. 13, 1827.

AN ACT to repeal in part an act entitled an act to appoint commissioners to lay out two roads, leading from the ford on Line creek; the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the above recited act as relates to the road from Cahawba to Coffeeville, be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That so much of said road as is discontinued by this act, be and the same shall be considered as a public road, subject and under the controul of the county courts and commissioners of roads and revenue.

APPROVED, Jan. 12, 1827.

AN ACT explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the third section of the above recited act, as authorizes justices of the peace and constables, when elected to fill a vacancy, to hold their said offices three years from the date of their respective commissions, be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That whenever any vacancy shall happen by death, resignation, or otherwise, in the office of said justice of the peace or constable, in any captain's company; the commanding officer shall hold an election to fill such vacancy, under such rules and regulations as are prescribed by law; and the person elected shall hold his office for the residue of the time for which his predecessor was elected.

Sec. 3. *Be it further enacted*, That the commanding officer for each captain's company, throughout this state, shall hold an election under the rules and regulations prescribed by law, on the first Monday of March in every third year; and the justice and constable thus elected, shall hold their respective offices for the term of three years from the time of such election, and until their successors shall be duly qualified.

APPROVED, JAN. 10, 1827.

AN ACT to amend an act concerning the town of Tuscumbia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Trustees in-
Corporated.

Name of cor-
poration.

President and
trustees may
levy taxes.

Proviso,

Mode of col-
lecting taxes.

Proviso.

Make by-laws

That the trustees of the town of Tuscumbia who are now in office, and their successors who shall be elected according to the manner now prescribed by law, are hereby constituted a body politic and corporate, and shall bear the name of the "President and trustees of the town of Tuscumbia;" and by that name they and their successors shall have perpetual succession, may have a common seal, with liberty to alter it at pleasure, and all the powers incident to bodies corporate.

Sec. 2. *And be it further enacted,* That the said president and trustees shall have power to lay such tax as they may think proper on all property in said town taxable by the laws of the state, real or personal, as well as a poll tax: *Provided,* that they shall not lay a tax not exceeding the amount levied by the state. And the said president and trustees shall have power to direct the mode of making out assessments and correcting the same, and prescribe the mode of collecting said tax when the same has been assessed for collecting a double tax when the same has not been given in for tax, and to collect the same by distress, sale, or otherwise, and the said board shall have full power to prescribe the mode and time in which the collector shall collect and pay over the money by him collected. And the said corporation shall have power to sell to the highest bidder at public auction any real estate in said town, for the arrears of taxes, in the following manner. The collector shall as soon as he receives the list of assessment, give notice in some newspaper printed in Tuscumbia, requiring all persons owning property in said town, to pay their taxes, and if at the expiration of thirty days, any taxes on real estate shall remain unpaid, the collector shall return the same to the secretary, and the president shall give three months public notice by publishing in some newspaper printed in said town (giving a descriptive list of said real estate and the owner's names, if known,) that the said real estate or so much thereof as may be necessary to satisfy the tax or taxes so remaining unpaid, will be sold at public auction, to the highest bidder, to satisfy the said tax; and the said president is hereby empowered to convey the said real estate so sold to the highest bidder, by conveyances good and sufficient in law: *Provided:* the owner or owner's his, her or their agent or agents of the property so sold, shall have the right at any time within twelve months from the sale thereof, to redeem the same by paying to the purchaser or purchasers, his, her, or their agent or agents, the money paid for said property with fifty per cent thereon."

Sec. 3. *And be it further enacted,* That the said president and trustees shall have power and authority to pass by-laws and ordinances, to restrain and prohibit gambling, and to provide for licensing and regulating theatrical and other public amusements within said town, to regulate and establish mar-

kets, and to rent out the stalls in the same, and to prohibit the sale of meats, fish or game, except at the public market or markets, to erect and repair bridges, to open, improve and keep in repair all necessary streets, drains, sewers and avenues, and to pass regulations and by-laws for the preservation of timber and trees growing in the commons of said town, and also to prevent the digging and carrying away the stone and soil from the same; to enact by-laws for the prevention and extinguishment of fire, and if necessary to remove or pull down buildings or fences for the prevention of the spreading of the same; to prevent the building of wooden chimneys in populous parts of said town, and to abate such as may be considered dangerous or unsafe in regard to fire; to enact by-laws for the removal, prevention and abatement of nuisances, whether the same be in the streets, commons, or on private property; to enact by-laws and ordinances to prevent riots, affrays, indecorous and disorderly conduct in said town, and to assess such fines for any breaches of the by-laws, made in pursuance of this act as the said board may think right: *Provided*, that the fine assessed in any case, shall not exceed twenty dollars.

Inflict penalties.

Proviso.

Sec. 4. *And be it further enacted*, That the said president shall issue his process as justice of the peace for the town of Tusculumbia, for all offences committed against the by-laws of said town, to the constable, who shall bring the offenders, in pursuance of said process, before the said president, and the said president shall proceed to try the said offenders and examine all witnesses that may appear or be subpoenaed before him both on the part of the corporation, and the defendant, and give judgment as to him shall appear just and legal: and if judgment shall be given against the defendant, and the money be not paid forthwith, the said president shall issue a fieri facias or writ of capias ad satisfaciendum, directed to the constable of said town, and if the defendant be taken on a writ of ca sa issued as aforesaid and does not discharge himself by satisfying the same, he shall be committed to the jail of the county, by virtue of said writ, under the same laws and regulations as persons taken by like process, issued from a justice of the peace; and the said president and constable shall receive the same compensation for the same, as other justices of the peace and constables, for the like services

For breach of by-laws, how proceeded against.

compensation

APPROVED JAN. 13, 1827.

AN ACT to authorize the Intendant and Town Council of the Town of Montgomery, to hold their sessions in the court house of Montgomery county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the intendant and town council of the town of Montgomery, be and they are hereby authorized, to hold their meetings and keep their papers and records in the room in the south-east corner of the second story of the court house, in the said county of Montgomery. *Approved Jan. 13, 1827.*

AN ACT more effectually to secure the compensation allowed by law to Jurors therein mentioned.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Courts of roads and revenue of certain counties to levy a tax to pay jurors. That it shall be the duty of the courts of roads and revenue for the counties of Lauderdale, Tuscaloosa, Lawrence and Marion, and they are hereby required at the terms, which by law they are required to levy a county tax, to set apart so much of the same as shall be sufficient to pay the jurors of said counties each year.

County treasurers to retain money to pay jurors. SEC. 2. *And be it further enacted,* That it shall be the duty of the treasurers of said counties, and they are hereby required (so soon as the said county tax shall have been received by them) to hold such amount as shall have been thus set apart, as a special fund for the purpose in the first section of this act expressed.

Duty of treasurers. SEC. 3. *And be it further enacted,* That the said treasurers are hereby required to attend themselves, or by their agents, at the place of holding courts for said counties, the two last days of each week of the courts in their respective counties, (which may have juries,) and shall, from the above specified fund, discharge all certificates issued by the clerks of either of the courts of said counties to the respective juries thereof, which may be presented for payment.

When to take effect. SEC. 4. *And be it further enacted,* That this act shall take effect, from and after the passage thereof.

Repeal. SEC. 5. *And be it further enacted.* That all acts and parts of acts, coming within the purview of this, are hereby repealed.

APPROVED, Dec. 22, 1826.

AN ACT to amend the laws now in force for the punishment of malicious mischief.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Persons how punished for disfiguring horses, mules, &c. That if any person shall cut or burn off, or pull out the hair from the main or tail of any horse, mare, colt, filly, jack, jennet or mule, belonging to any other person, with intent to disfigure the said animal, or shall by any other means, with said intent disfigure the same, every such person, and all others in any manner concerned therein, shall be considered as principals in such offence, and shall on conviction thereof, suffer the penalties which are prescribed in an act passed at the last session of the general assembly, entitled "an act to repeal in part and amend an act for the punishment of malicious mischief, passed Dec. 17, 1821." *Approved, Dec. 30, 1826.*

AN ACT authorizing the citizens of Sommerville to elect a Constable.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Constable to be elected. That there shall be an election holden in the town of Sommerville, Morgan county, at the court house of said town, on the first Monday in February next, to elect a constable, who shall be a citizen of said town.

Sec. 2. *And be it further enacted*, That the qualified elect- Who to vote.
ors of the incorporation of said town shall be competent vot-
ers for said constable.

Sec. 3. *And be it further enacted*, That the constable so elect- Powers and
compensation
ed shall be vested with like powers, receive like fees, and
continue in office the same length of time, that other consta-
bles do in this state.

Sec. 4. *And be it further enacted*, That the constable so To give bond.
elected shall give bond and security in the sum of two thou-
sand dollars, to be approved of by the judge of the county
court of Morgan county.

APPROVED Jan. 5, 1827.

AN ACT to amend an act entitled "an act for the more effectual pre-
servation of personal liberty.

Sec. 1. *Be it enacted by the Senate and House of Representa-
tives of the State of Alabama, in General Assembly convened*,
That the sixth section of the act entitled as aforesaid, be and Repeal.
the same is hereby repealed.

Sec. 2. *And be it further enacted*, That if any person shall Bail, for trea-
son or felony,
on what terms
granted.
be committed for treason or felony, and shall not be tried
at or before the next stated term of the court where the of-
fence is properly cognizable, it shall be lawful for the said
court, upon the last day of the term, to set at liberty such pris-
oner on bail, unless it appear on oath or affirmation that the
witnesses for the state, mentioning their names, could not be
produced; and if such prisoner shall not be tried at the se-
cond stated term after his or her commitment, unless the de-
lay happen on the application or with the assent of the de-
fendant, he or she shall be discharged from imprisonment on
bail: *Provided*, that this act shall not be so construed as to Provide.
prevent a prisoner committed for a capital offence from being
bailed at or before the first stated term under the existing
laws.

APPROVED Jan. 12th, 1827.

AN ACT to authorize Ebenezer Byram to sell a certain tract of land on the
terms and conditions therein mentioned.

Sec. 1. *Be it enacted by the Senate and House of Representa-
tives of the State of Alabama, in General Assembly convened*,
That Ebenezer Byram, guardian of Huldah Byram, Eliza- Eben'r Byram
authorized to
sell certain
land.
beth Byram, and Patsy Byram, be, and he is hereby, autho-
rized to sell and convey the distributive shares of the above
named minors; under the age of twenty-one years, in and to
their proportionable part of one hundred and fifty-one
of land, being part of the north-east quarter of section No.
32, in township 3, range 2, east of the basis meridian of
Huntsville: *Provided*, That said one hundred and fifty-one Proviso.
acres of land shall not sell for less than three thousand dol-
lars: *And provided also*, that the same shall be sold at public Proviso.
sale, giving at least thirty days previous notice in one or more
public newspapers printed in the town of Huntsville of the
time and place of said sale.

Sec. 2. *And be it further enacted*, That said Ebenezer By- To enter into
bond.
ram shall enter into bond with good security to the judge of

the county court of Madison county, and his successors in office, conditioned for the proper distribution of the proportionable part of the money arising from said sale, between the said Huldah Byram, Elizabeth Byram and Patsy Byram, or their representatives, as they shall respectively arrive at age.

APPROVED Jan. 5, 1827.

AN ACT to revive a certain act herein named.

Pickens incorporated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act entitled an act to incorporate the town of Pickens, in Pickens county, passed 7th January, 1826, be, and the same is hereby revived.

Election for certain officers when held.

SEC. 2. *And be it further enacted,* That the election for officers of said town, as required to be holden in the second section of said act, shall be holden on the first Monday in February next, and every year thereafter in the same manner as required by the said act. *Approved Jan. 12, 1827.*

AN ACT authorizing an extension of the lease taken by Seth Hunt, of the Salt Springs in the counties of Clark and Monroe.

Governor authorized to extend the time for which the salt springs were leased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this state be, and he is hereby authorized to extend the time for which the Salt Springs and water, with the lands reserved to this state by the United States, for the support of salt works, in the counties of Monroe and Clark, were leased to Seth Hunt by deed, executed on the 13th day of May, 1825, by Jesse Beene on the part, and in behalf of this state, of the one part, and the said Seth Hunt of the other part, for and during the term of ten years, from and after the first day of January 1827.

Laborers exempt from militia duty.

SEC. 2. *And be it further enacted,* That all persons, engaged in the management of the salt works, at the aforesaid springs, and all laborers employed in conducting the same, be and they are hereby exempted from militia duty, so long as they are actually engaged in the management of said works.

APPROVED, Jan. 5, 1827.

AN ACT to declare certain parts of the Choctawhatchie and Pea rivers, public highways.

Choctawhatchie and Pea rivers, public highways.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the Choctawhatchie river as lies within the state of Alabama, and below the first great falls thereof, and that part of Pea river below the first falls of said river within the limits of this state, be and the same are hereby declared public highways.

Penalty for obstructing navigation.

SEC. 2. *And be it further enacted by the authority aforesaid,* That any person or persons obstructing by any means the navigation of said parts of said rivers, shall be subject in law to all the pains and penalties in such cases made and provided.

APPROVED, Dec. 8, 1826.

AN ACT to establish a certain road therein designated.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John D. Rogers, Samuel Dale, John Bishop, Hugh Young, and James George, or a majority of them, be, and they are hereby, appointed commissioners to view and mark out a road, beginning on the state road leading from Tuscaloosa to Mobile, at or near Pickens' mill in Marengo county, running from thence the nearest and most practicable route (crossing Alabama river at Dale-town) to the town of Canton in Wilcox county.

Comm'rs appointed, for road from Tuscaloosa to Mobile.

Sec. 2. *And be it further enacted,* That Thomas M'Cants, Samuel Dale, John Foster, Garnett Longmire, and Joel Lee, or a majority of them, be and they are hereby appointed commissioners to view and mark out a road leading from Canton, the nearest and best route, to intersect the state road from Cahawba to Pensacola, at or near Garrett Longmire's store.

From Canton to Pensacola.

Sec. 3. *And be it further enacted,* That when the aforesaid commissioners shall have performed the duties assigned them by the foregoing sections of this act, they shall be required to report to the several county courts whose counties the said road may pass, designating the points, and distance, which the said road may run through their respective counties; and it shall be the duty of the respective courts, after such report shall have been made, to cause the aforesaid road to be opened, and kept in repair in the manner prescribed by law: *Provided,* the commissioners aforesaid shall not receive compensation out of the state treasury: *and provided,* the injury which may be sustained by individuals shall be paid out of the county treasury of the respective counties wherein the land lies which may be so injured: *And provided further,* that no person liable to work on roads in Dallas county shall be required to work a greater number of days in opening, or keeping in repair, that part which passes through the said county, than may be required of them who reside in Wilcox county.

To make report.

Proviso.

Proviso.

Sec. 4. *And be it further enacted,* That it shall be the duty of the county court of Wilcox county to authorize the establishment of a public ferry at Dale-town, under the rules and regulations of the laws in relation to public ferries—any law to the contrary notwithstanding. *Approved Dec. 22, 1826.*

County court of Wilcox to establish a ferry.

AN ACT for the improving the road leading from Blakeley to the upper line of Baldwin county, by the way of Durant's.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Uriah Blue, Cyrus Sibley, and Lewis Starke, be, and they are hereby, appointed commissioners for the purpose of improving the road leading from Blakeley to the upper line of Baldwin county, where the ridge road leading to Burnt Corn, by way of Durant's, crosses the said line, with full power and authority to alter the course of the same at their dis-

Comm'rs appointed to improve the road from Blakeley to upper line of Baldwin.

cretion, and also to apply the fund hereinafter provided, towards the improvement of the said road, in such manner as they may deem most expedient.

Revenue from fines, &c. together with 25 per cent of the county tax appropriated for said road.

Duty of co'ty treasurer.

Judge of co'ty court, &c. to apportion the hands to work on said road.

To levy an extra tax.

May commute the labor into money.

To make contracts.

Proviso.

Sec. 2. *And be it further enacted*, That the revenues accruing to the treasury of Baldwin county, from fines, penalties and forfeitures, together with twenty-five per centum of the county tax for the years one thousand eight hundred and twenty-six, one thousand eight hundred and twenty-seven, and one thousand eight hundred and twenty-eight, be, and the same are hereby set apart and appropriated as a special fund, to be applied under the direction of the above mentioned commissioners in improving the aforesaid road. And it is hereby made the duty of the county treasurer, annually, to pay over to the said commissioners the special fund hereby set apart and appropriated.

Sec. 3. *And be it further enacted*, That it shall be the duty of the judge of the county court and commissioners of roads and revenue of the said county of Baldwin, to apportion the hands liable to work on the aforesaid road, or as many of them as they may think proper, to the river road leading from Blakeley to Claiborne, by way of Little river, who shall continue to work on the last mentioned road (under the provisions and restrictions of the road laws now in force in this state) until the thirty-first day of December, one thousand eight hundred and twenty-eight.

Sec. 4. *And be it further enacted*, That the judge of the county court and commissioners of roads and revenue in said county, be and they are hereby empowered to levy an extra tax of three dollars per annum on each and every free male negro or mulatto over twenty-one years of age in said county, and a like sum on each and every male slave over sixteen years of age, in the service of the United States, within the limits of Baldwin county, to be applied and disposed of as herein directed, to the improvement of said ridge road: and the payment of the said sum of three dollars shall be deemed and held a full exemption from any liability to perform road duty in said county.

Sec. 5. *And be it further enacted*, That the judge of the county court and commissioners of roads and revenue may at their discretion commute the labor now required to be performed by the existing road laws, into such specific sum of money as they may deem an equivalent therefor, which sum or sums of money shall be assessed and collected by the collector of taxes in said county, and the same shall be set apart as a special road fund, to be applied under their direction to the improvement of the roads generally in said county; and they are hereby authorized to make contracts for the improvement of the roads in that county in such manner as they may direct: *Provided always*, that such contracts be made at public outcry, to the lowest bidder, after at least thirty days notice at the several election precincts in the county—any law contrary to the provisions of this act notwithstanding.

APPROVED Jan. 6, 1827.

AN ACT supplementary to the several acts now in force, first passed 31st December, 1822, and the second 24th December, 1824.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, no public weigher in the city of Mobile shall charge or take, directly or indirectly, higher fees than heretofore allowed by law for weighing any bale of cotton, or other article, than those now fixed by law. Public weigher in Mobile not to take more than the legal fees.

SEC. 2. *And be it further enacted,* That if the public weigher or weighers in the city of Mobile shall take or receive any other or higher fees than those now fixed by law for weighing the articles therein specified in the acts fixing their compensation, he or they shall forfeit and pay the sum of thirty dollars for each and every offence, to be recovered in the name of the person or persons aggrieved, or in the name of the firm or firms of merchants aggrieved, before any justice of the peace having cognizance thereof; and one half of the sum so recovered shall be paid to the person aggrieved, and the other half to the county treasurer of said county, for the use and benefit of the county of Mobile. Penalty.

SEC. 3. *And be it further enacted,* That for the use of the scales and weights, marking, and the hands necessary for weighing the articles contemplated by the acts of assembly, the public weigher shall receive no other fees than those now specified by law. Use of scales, &c. and marking, not to receive more than legal fees.
APPROVED Jan. 12, 1827.

AN ACT to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John H. Miller, Elisha Fike, and Britton Sims, be appointed commissioners to examine the state road leading from Selma to the town of Cahawba, and ascertain whether a better road can be found, and at less expense and labor and of more public utility, than the road at present established; and if so to report the same to the judge of the county court of Dallas county; upon which report, if the same should be in favor of any alteration, to appoint an overseer for said road so reported: *Provided,* that said commissioners shall have no pay for their trouble. Comm'rs appointed to examine state road from Selma to Cahawba To make report.
APPROVED Dec. 8, 1826. Proviso

AN ACT to allow William Wharton to erect a mill on Wills creek, in St. Clair county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William Wharton, of St. Clair county, be, and he is hereby authorized to build a mill or mills, or other water works of whatsoever nature he might think most advantageous on Wills creek, in the county aforesaid, and raise a dam of sufficient height across said creek to procure sufficient water for the use of the same: *Provided,* That he and his successors shall at all times, when it may be necessary, keep open a sufficient passage for any boat or boats. Wm. Wharton authorized to build a mill on Wills creek. Proviso

Penalty for obstructing navigation. *Sec. 2. And be it further enacted,* That if the above named William Wharton, or his successors, shall at any time obstruct the navigation of the aforesaid Wills creek in any manner whatever, so as to prevent the passage of boats as aforesaid, he, she or they so offending shall forfeit and pay the sum of five hundred dollars for each and every such offence, to be recovered in any court having competent jurisdiction thereof, one half for the use of said county, the other half for the use of the party or parties aggrieved. *Approved Dec. 30, 1826.*



AN ACT to establish a road from Montevallo to Greensborough.

Comm'rs appointed to mark out a road from Montevallo to Greensboro'. *SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened,* That John Neiley of Shelby county, John Blake of Bibb county, and Thomas Webb of Perry county, or a majority of them, be, and they are hereby appointed commissioners, to view and mark out a way for a road, to commence at the town of Montevallo, in Shelby county, and to run from thence the nearest and best route to the Falls of Cahawba, and from thence the nearest and best way to the town of Greensborough, in Greene county.

To take oath. *Sec. 2. And be it further enacted,* That before the said commissioners enter upon the duties assigned them by this act, they shall take and subscribe the following oath, to wit:—"I, ———, do solemnly swear, that I will faithfully, and to the best of my judgment, view, mark out, and report the best and most direct way for a road to lead from Montevallo to Greensborough, in conformity to the act under which I am appointed: so help me God."

Make report. *Sec. 3. And be it further enacted,* That it shall be the duty of the said commissioners, after completing the said view, to make out a report of the same; which report they shall transmit to the judges of the county courts of the respective counties through which the said road will pass; and it shall be the duty of the said judges to appoint a sufficient number of overseers, whose duty it shall be, respectively, to open and mark out the said road as now provided for by the existing laws now in force upon that subject; and all hands now liable to work on roads, are hereby made liable to work on the road hereby established.

Hands liable to work.

Repeal. *Sec. 4. And be it further enacted,* That an act entitled an act to establish a road from the town of Montevallo to the town of Greensborough, and for other purposes, passed December twenty-fourth, eighteen hundred and twenty-four, so far as it relates to the road contemplated by this act, be and the same is hereby repealed.

No compensation allowed. Proviso. *Sec. 5. And be it further enacted,* That the aforesaid commissioners shall receive no compensation for their services: *And provided,* that no person or persons who may sustain damages by said road running through their lands, shall be entitled to receive any pay for the same out of the state treasury.

APPROVED JAN. 12, 1827.

AN ACT to establish a ferry and appoint commissioners to lay out a certain road therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a ferry be and the same is hereby established over the Alabama river at a place called the *big bend*, opposite the town of Montgomery, and that the same be vested in the intendant and council of the said town of Montgomery, and their successors in office, to be so kept, conducted, and managed, as to the said intendant and council shall seem most conducive of the public interest.

Ferry established.

To be managed by intendant & council of Montgomery

Sec. 2. *Be it further enacted,* That the said intendant and council shall have and exercise the right of establishing the rates of ferriage at said ferry; and to ask, demand and receive the same, to rent annually or otherwise conduct, and manage the said ferry, and to require bond, with security payable to the said intendant and council, and their successors in office, from such person or persons as shall from time to time rent or contract to keep or manage said ferry, conditioned for the faithful discharge of said duty, according to the terms of the agreement or contract, which he or they shall so make or enter into, with said intendant and council, and such bond so taken, may be put in suit and a recovery be had thereon in favor of any person or persons who may be injured, damaged or aggrieved, by reason of the said ferryman or ferrymen neglecting to perform his or their duty, as such, in any particular, or by reason of such ferryman's failing to provide fit and suitable water craft and utensils, to work the same, or to provide a fit and trusty hand or hands, to keep and manage said ferry; and the said bond may be put in suit, as often as breaches shall accrue, and recovery be had thereon, until the whole amount of the penalty thereof shall have been recovered.

Ferriage, how established.

Ferryman to give bond.

Sec. 3. *Be it further enacted,* That William Sayer, John Gindrat, Ebenezer D. Washburn, Francis Lewis, and Robert Glenn, or a majority of them, be and they are hereby appointed commissioners to lay out and mark off a public road, by the nearest and best route, beginning at said ferry at the town of Montgomery, on the west of the river, thence until it intersects the road leading from said town of Montgomery, to the *pine flat*, in Autauga county.

Commissioners appointed to lay out road from the Ferry to Pine Flat, in Autauga.

Sec. 4. *Be it further enacted,* That as soon as said commissioners shall have laid out said road, they shall make report thereof to the county court of Autauga county, whose duty it shall be to appoint an overseer and apportioners of hands to open and keep in repair the said road, according to the laws now in force, or which hereafter may be enacted on that subject.

To make report.

Sec. 5. *Be it further enacted,* That all damages which may be assessed, and all expenses which may be incurred, in establishing said ferry, shall be paid and discharged by the said intendant and council, of the town of Montgomery.

Expenses, &c., to be paid by intendant and council.

Repeal.

Sec. 6. *Be it further enacted*, That, an act entitled an act to establish a ferry, and appoint commissioners, to lay out a road therein named, passed Dec. 12, 1821, be and the same is hereby repealed.

APPROVED, Jan. 11, 1827.

AN ACT to authorize Abraham Smith and his associates to erect a mill on Coosa river.

Abraham Smith authorized to erect a mill.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Abraham Smith of Shelby county, and his associates, be, and they are hereby authorized to build a mill, or whatever other water works, which they may deem most advantageous on the fort Williams shoals on Coosa river, in the county aforesaid; and they shall have power to raise a dam of such height, as to provide a sufficient quantity of water for the use of the same: *Provided*, That they shall not at any time obstruct the navigation of the said river thereby.

Proviso.

Penalty for obstructing navigation.

Sec. 2. *And be it further enacted*, That if the above named Abraham Smith and his associates, or their successors, shall at any time obstruct the navigation of the aforesaid river, in any manner whatever, so as to prevent the passage of any boat or boats, he, she or they, so offending, shall forfeit and pay for every such offence, the sum of five hundred dollars, to be recovered before any court having competent jurisdiction thereof, one half of which shall go to the use of the county aforesaid, and the other half to the use of the party or parties aggrieved.

Approved, Jan. 13, 1827.

AN ACT to authorize Edward Sims and his associates to open a turnpike road therein named.

Ed. Sims and associates to open a road from Tuscaloosa co'ty to Jefferson.

Width, &c.

Manner of making said road.

When completed, county court to appoint comm'rs to examine said road.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Edward Sims and his associates, be and they are hereby authorized and empowered to lay out and open a road from the house of Edward Davis, in Tuscaloosa county, to the house of William R. Sadler, in Jefferson county, by the nearest and most eligible route which they have or may hereafter discover; the said road shall be twenty feet wide, cleared of every obstruction, stumps and grubs shall be taken up by the roots, or levelled with the ground, the sloping ground and banks of water courses shall be so worked on as to ensure the safe and easy passage of horsemen and carriages of every description; all marshes, swamps and creeks, shall be causewayed or bridged with good durable materials, put together in a suitable workman-like manner, with ditches on each side of causeways if necessary, the causeways and bridges shall be twelve feet wide with good substantial railing to the bridges.

Sec. 2. *And be it further enacted*; That when the said Edward Sims and his associates shall have completed said road, and reported the same to the county court of Jefferson county, it shall be the duty of said court to appoint three suitable persons to examine said road and report their opinion to the said county court, and the said commissioners shall receive

for their services such compensation as the said county court shall deem reasonable, to be paid by the said Edward Sims and his associates.

Sec. 3. *And be it further enacted*, That should the said commissioners appointed by the second section of this act report, that said road is in good order, then and in that case the said Edward Sims and his associates are hereby authorized to erect a turnpike gate at some convenient place in Jefferson county, and demand and receive of and from each and every person who shall or may travel said road the following rates of toll; to wit: for every four wheel carriage, 50 cents; for every two wheel carriage, 25 cents; for every man and horse 12 1-2 cents; for every loose horse, 6 1-4 cents; for every head of neat cattle, 2 cents; for every head of sheep, goats or hogs, 1 1-2 cents; and if any person shall pass round said gate with intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said Edward Sims and his associates triple the amount which his or her toll would have been, to be recovered before any justice of the peace, with legal costs for the same.

Sec. 4. *And be it further enacted*, That it shall be the duty of the county court of Jefferson county aforesaid, when application is made to appoint three commissioners to examine said road, and report their opinion to said county court, and if in the opinion of the said commissioners, the road is not in good order, they shall direct the gate to be thrown open, and no toll shall be received, under the penalty of twenty dollars until said road shall be repaired in a good and sufficient manner; and the said Edward Sims and his associates, shall have all the benefits and profits arising from the tolls for the period of fifteen years from the time they are authorized to erect the gate on said road: *Provided*, that said road shall be completed in twelve months, from and after the passage of this act.

Sec. 5. *And be it further enacted*, That said turnpike road shall not in any manner interfere with the present road leading from Tuscaloosa to Elyton in Jefferson county.

APPROVED, Jan. 11, 1827.

AN ACT to establish a road from Elyton to Montevallo.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a public road, leading from the public square in the town of Elyton, to the town of Montevallo, be and the same is hereby established.

Sec. 2. *And be it further enacted*, That George Morrow and his associates be, and they are hereby, authorized to lay out and open said road the most eligible route which they have or hereafter may discover: *Provided*, That they shall be, and are hereby, authorized to make the said road where the road which has been laid out now runs, or any part or parts thereof.

Width, &c. Sec. 3. *And be it further enacted,* That all lanes through which said road may pass shall be kept open thirty feet wide; said road shall not be less than eighteen feet wide, clear of every obstruction; twelve feet of which, in the general direction of the road, shall be clear of stumps and grubs, either
To be clear of stumps, &c. taken up by the roots, or levelled with the ground; the sloping grounds, and banks of water courses, shall be so worked upon as to ensure the safe and easy passage of horsemen and carriages of every description; all marshes, swamps and
Swamps and creeks to be causewayed or bridged. creeks, when necessary, shall be causewayed or bridged with good and durable timbers, put together in a substantial and workmanlike manner, with ditches on each side of causeways, whenever necessary; the causeways or bridges shall be at least twelve feet wide.

Road to be reported to the judge of county court of Jefferson. Sec. 4. *And be it further enacted,* That when the said George Morrow and his associates shall have completed said road, and reported the same to the judge of the county court of Jefferson county, it shall be the duty of said judge to appoint three fit persons to examine said road, and report their opinion to the said judge; and the said commissioners shall receive for their services such compensation as the said judge may direct, to be paid by the said George Morrow and his associates.

May erect gate. Sec. 5. *And be it further enacted,* That should the commissioners appointed by virtue of the fourth section of this act, or a majority of them, report that said road is in good order, then and in that case the said George Morrow and his associates are hereby authorized to erect a turnpike gate, at some convenient place: *Provided,* that said gate shall not be
Proviso. erected on the east side of Cahawba river, nor within eight miles of Elyton; and demand and receive of and from each

Rates of toll. and every person who shall or may travel on said road, any rates of toll not exceeding the following, to wit: for every waggon, or four wheel carriage, thirty-seven and a half cents; for every two wheel carriage, eighteen and three-fourth cents; for every man and horse, six and a fourth cents; for every loose, led or pack horse, three cents; for every head of cattle, two cents; for every head of sheep, hogs or goats, two cents; and if any person shall pass round said gate, with the intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said George Morrow and his associates treble the amount which his or her toll would have been, to be recovered before any justice of the peace, with legal costs for the same. And if any person or persons shall
Penalty for obstructing said road. obstruct or injure said road by falling trees, or in any other manner whatsoever, he, she or they shall be liable to a fine of twenty dollars, recoverable before any justice of the peace, and paid into the county treasury of the county where said offence shall have been committed, and shall moreover be liable for all the injury the said George Morrow and his associates may receive by said obstruction or injury aforesaid:

Proviso. *Provided,* no toll shall be exacted from any person in Shelby

county, through whose land the said road may pass, whilst travelling towards Montevallo, and returning home.

Sec. 6. *And be it further enacted*, That it shall be the duty of the judge of the county court of Jefferson county, when application is made for the purpose, to appoint three fit persons to examine said road, and report their opinion to said judge; and if in the opinion of the commissioners appointed by virtue of this section, the road be not in good order, he shall direct the turnpike gate to be opened, and no toll shall be received, under the penalty of twenty dollars, until said road shall be repaired in a good and sufficient manner: and the said George Morrow and his associates shall have all the benefits and profits arising from the tolls, for the period of fifteen years. Judge, on application, to appoint com's to examine said road.

Right granted for 15 years.

APPROVED Jan. 13, 1827.

AN ACT to amend an act entitled an act concerning Roads, Highways, Bridges and Ferries, in the county of Mobile,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, in lieu of the quantum or amount of labor on public roads now imposed on the taxable inhabitants of the county of Mobile, there shall be imposed a tax on the said inhabitants, to be assessed in the ratio of twelve and a half cents for every hundred dollars of taxable property, which he, she or they may possess: *Provided, however*, that no inhabitant of said county shall be assessed for a less amount than three dollars per annum; which aforesaid tax, shall be assessed in such manner as the judge of the county court and the commissioners of roads, highways, bridges and ferries, in the said county of Mobile, or a majority of them may direct, and to be collected, accounted for and paid over in manner as is hereinafter directed. Tax of 12 1-2 cents on every hundred dollars.

Proviso.

By whom assessed.

Sec. 2. *And be it further enacted*, That it shall be the duty of all persons in the said county of Mobile, who may be liable to the payment of a poll tax only; all these liable to militia duty, as well as of free males of color, (of the age of eighteen years and upwards) who have no taxable property in said county, to pay for each and every day they may be assessed and be liable to work on the said public roads, the sum of one dollar, or in case he, she or they should prefer it, they may select to work on the said public roads, the number of days assessed against them respectively, pursuant to the provisions of this act. Who liable to be taxed, or to work on roads.

Sec. 3. *And be it further enacted*, That the said judge and commissioners of roads, highways, bridges and ferries, shall hold a special term or session on the third Monday of January in each and every year, at which term the said judge and commissioners shall have the power, and they are hereby authorized to appoint overseers for each commissioner's district, pursuant to the laws now in force on that subject: *Provided, nevertheless*, that a majority of the whole number of commissioners shall constitute a board to transact business, and that Judge of co'ty court, &c. to appoint overseers.

Proviso.

if the judge of the said county court shall fail to attend any meeting of the said board of commissioners, the said board shall be and they are hereby authorized to elect a president *pro tempore*, and to proceed to business.

To appoint an
assessor and
collector.

compensation

Duties.

To give bond.

To take oath.

Judge, &c. au-
thorized to let
to the lowest
bidder the
keeping in re-
pairsaid roads

Bidders or
contractors,
how paid.

Repeal.

Sec. 4. *And be it further enacted*, That the said judge and commissioners, or a majority of them, shall appoint an assessor and collector of road taxes, road fines and penalties in and for the said county of Mobile, who shall receive such compensation for his services as the said judge and commissioners or a majority of them, may fix and determine; and whose duty it shall be, under the direction of the said judge and commissioners, to make all assessments of road taxes or labor on all public roads in said county, and to collect the same; and who, before entering on the duties of his office, shall give bond with sufficient security to be approved by the judge of the said county court, made payable to the said judge and his successors in office, conditioned well and truly to execute the duties of his office, and faithfully to account for and pay over to the said judge and commissioners, all monies to be by him collected and received as assessor and collector as aforesaid; and the said assessor and collector shall further before entering on the discharge of his official duties, take and subscribe an oath faithfully to discharge the duties enjoined upon him by law, and to pay over all monies by him collected or received, to the said judge and commissioners, pursuant to the true intent and meaning of this act.

Sec. 5. *And be it further enacted*, That the said judge and commissioners, or a majority of them, shall have the right, and they are hereby authorized, to let out to the lowest bidder, the keeping in good repair the said public roads in the said county of Mobile, who shall be held and deemed legally liable to the said judge and commissioners for any breach or violation of his contract, and shall moreover be liable to all the pains, and subjected to all the penalties prescribed by the existing laws against overseers of public roads in this state, who refuse or neglect to discharge the duties enjoined upon them by law.

Sec. 6. *And be it further enacted*, That the several bidders or contractors for work on the public roads of the said county of Mobile, shall take and receive in part payment of the amount which may be stipulated to be paid, or be due to them respectively, three days labor of all such persons as may be elected, to work on the public roads aforesaid, in preference to paying the tax assessed by the second section or this act.

Sec. 7. *And be it further enacted*, That all acts and parts of acts coming within the purview and meaning of this act, be and the same are hereby repealed. *Approved Dec. 26, 1826.*

AN ACT amendatory to an act passed on the 14th January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*,

That if any person shall attempt to evade the payment of any tolls allowed by the act to which this is amendatory, by passing through the gate authorized by the said act to be set up, arbitrarily, or having passed, refuse or neglect to pay the toll allowed in said act, or pass round the said gate, such person or persons so offending shall pay to the said William H. Ragsdale and his associates, his or their agent, the sum of five dollars for every such offence, recoverable before any justice of the peace in this state. Penalty for evading toll.

Sec. 2. *And be it further enacted*, That so much of the said act as requires the said William H. Ragsdale and his associates, to bridge Big Bear creek, be and the same is hereby repealed, and in lieu thereof the said William H. Ragsdale and his associates, shall keep a good ferry-boat at the crossing of said road on said stream; the banks at the ferry and the ford shall be kept in good condition, and the tolls at the said ferry shall be regulated by the judge of the county court and road commissioners of Franklin county, and the said ferry shall be governed by the existing laws regulating other ferries in this state. Ferry to be established on Big Bear creek
Toll to be regulated by the county court.

Sec. 3. *And be it further enacted*, That any person or persons who shall in any manner whatever, impair, or in any manner whatever obstruct the said road, either before or after its completion such person or persons on conviction before any justice of the peace for this state, shall pay to the said William H. Ragsdale and his associates, or to his or their agent, the sum or sums of money or suffer such other fines and forfeitures as are or may be assessed or inflicted by the laws of this state regulating public highways. Penalty for obstructing road.

APPROVED JAN. 12, 1827.

AN ACT supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates the privilege of opening a turnpike road commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road at or near Elyton in Jefferson county.

Whereas, Abraham Stout and his associates have completed that part of said road authorized by an act, passed December 23d, 1822, in conformity with the provisions of said act; and have also expended much money on that part of said road, from Baltimore to intersect the old Huntsville road at or near Elyton, authorized by an act passed the ninth day of December, 1823, in conformity with the provisions of said act: Therefore, Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said Abraham Stout and his associates be allowed until the first day of January next, to complete and put in good repair said road from Morgan county to the point at which he may intersect the old Huntsville road, at or near Elyton, and the said Stout and his associates shall be entitled to all the benefits of the said road for the term of twelve years from and after the first day of January next, and subject to all the restrictions provided in the before recited acts. Allowed till 1st Jan'y next to complete road.
To be entitled to the benefits of said road for 12 years.

APPROVED, Jan. 13, 1827.

AN ACT to reduce into one the several acts concerning Roads, Bridges, Ferries, and Highways.

Roads now established, declared public. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all public roads and highways in the several counties of this state, that have been laid out or established by virtue of any act of the General Assembly heretofore made, or by virtue of any order of court, except such as have been discontinued, are hereby declared to be public roads; and that at all times hereafter, the county courts of the several counties of this state shall have full power to order the laying out public roads where necessary, and to discontinue such county roads as now are, or shall hereafter be made, as shall be found useless, and to alter roads so as to make them more useful, as often as occasion may require: *Provided,* That the courts of the several counties of this state shall in no instance grant an order on any petition for any new public road, or to discontinue an original one, unless the person or persons petitioning for the same shall have given at least thirty days notice, by advertisement, of his or their intended application, stuck up at the court house, and three other public places in the county, in which the road is intended to be made, or discontinued.

Roads may be discontinued.

Proviso.

Notice for application of new road to be given.

Roads to be laid out by a jury of householders. SEC. 2. *Be it further enacted,* That all roads hereafter ordered to be made, shall be laid out by a jury of householders, to be appointed by the county court of roads and revenue, and said jury shall consist of seven persons, a majority of whom shall be instructed by the court to lay out the road so ordered to the greatest advantage of the inhabitants, and as little as may be to the prejudice of enclosures; and the said jury shall take the following oath, to wit: "I, ———, do solemnly swear, that I will lay out the road now directed to be laid out, by the order to us directed from the county court of roads and revenue, to the greatest advantage to the public, and with as little prejudice to enclosures as may be, without favor or affection, malice or hatred, and to the best of my skill and knowledge: so help me God."

Oath of jury.

County courts to lay off roads into grades. SEC. 3. *Be it further enacted,* That it shall be the duty of the county court of roads and revenue of each county in this state, to divide all the roads passing through their respective counties into different grades; and said roads shall be kept open and repaired in the following manner: Those of the first grade shall be cleared of all trees, at least thirty feet wide, with all stumps cut within six inches of the surface, all causeways at least fifteen feet wide. Second grade, to be not less than twenty feet wide, with all stumps cut within six inches of the surface, all causeways at least twelve feet wide. Third grade, to be not less than fifteen feet wide, with all stumps cut within six inches of the surface, all causeways at least ten feet wide. And in all cases where a new road is established, the owner or owners of the land over which such road passes, may at the next term of the county court apply to said

1st grade, how wide, &c.

2d grade.

3d grade.

Injury to private property, how ascertained.

court for damages for the injury which he, she or they may have sustained by the establishment of such road; and it shall be the duty of the court to cause a jury to be empanelled to inquire of such damages, in which injury the jury shall take into consideration the advantages and disadvantages accruing to such applicant by the establishment of such road, and give their verdict accordingly: and the damages, if any assessed, shall be paid out of the county treasury.

Damages, how paid.

Sec. 4. *And be it further enacted*, That the county courts and commissioners of roads and revenue are hereby required to divide the public roads in their respective counties into districts or precincts, and to appoint, annually, at their first term in each and every year, one overseer for each district or precinct: And it shall be the duty of the clerk of said court, within fifteen days after the appointment so made, to deliver a copy of the order to the sheriff of the county, informing said overseer of his appointment, the precinct of the public road to which he is appointed, and the grade of said precinct: And the sheriff shall, within ten days after the receipt of such copy, deliver a counterpart thereof to the overseer, and make his return thereof on said copy within ten days after the delivery of such counterpart to the county court clerk's office. And it shall be the duty of such overseer, on receiving such counterpart as aforesaid, to deliver a copy thereof to some one of the apportioners in his district or precinct; and should the bounds of another captain's company approach so near to his district or precinct that, from the distance, hands may be liable to work on his district or precinct, in that case he shall deliver a copy, similar to the copy aforesaid, to one of the apportioners in said captain's company: *Provided*, that when the apportioners shall fail to apportion the hands to work on any public road under their jurisdiction, then and in that case the last apportionment of hands made and returned shall be obligatory, and remain in full force and effect until altered; and all hands subject to work on the road to which the same has been apportioned heretofore, and still living within said bounds, and all persons moving within the bounds of the hands apportioned as aforesaid, liable to work on any such road, shall be considered as belonging to said road, and liable in the same manner as though they had been apportioned to work on said road, and for neglect shall be proceeded against in the same manner as other defaulters of public roads, any law or usage to the contrary notwithstanding.

County court to lay off districts, and appoint overseers.

Clerks to notify overseer.

Overseer's duty.

Provided.

Sec. 5. *And be it further enacted*, That the county court of roads and revenue shall have full power, and they are hereby required, at the time they appoint overseers of roads, to nominate and appoint three freeholders or householders in each captain's beat, (a majority of whom may act,) within their respective counties, who shall apportion the hands liable by law to work on public roads to each overseer, agreeably to the grade of, and the necessary labor required on, his

Who to apportion hands.

his precinct or district: And it shall be the duty of each and every person, on application of any one of said apportioners within the bounds of said company, within fifteen days after the term of the county court at which overseers of public roads are required to be appointed, to give in a list of all the hands he may at that time have in his possession, himself included, liable to work on public roads; and if any person shall neglect for the space of ten days thereafter to deliver a list thus required to some one of the apportioners, such person so refusing or neglecting shall forfeit and pay the sum of six dollars for each hand liable to work, so refused or neglected to be given in or returned; which fines shall be recovered by judgment on motion in the circuit court, without the interposition of a jury, unless the same shall be demanded by the defendant, which motion shall be made by the solicitor of the circuit in which such defaulter resides: *Provided, however,* that in all cases it shall be the duty of the solicitor to give to such defaulter three days notice, and in all cases of such failure, the certificate of such apportioner or apportioners shall be deemed sufficient evidence.

Persons to give
a list of hands
liable to work
on roads.

Penalty for
refusing.

How recover-
ed.

Reviso.

Who liable to
work on roads

Sec. 6. *And be it further enacted,* That all free white male persons, between eighteen and forty-five years of age, and all male slaves and other persons of color over sixteen and under fifty years of age, shall be liable, and it is hereby made their duty, to work on, clear out, and repair the public roads of this state, under such provisions and regulations as are hereinafter made: *Provided, nevertheless,* that no licensed minister of the gospel, instructor of public and private schools, and all students of common schools or public institutions, keepers of grist mills that grind for toll, public ferrymen, commissioners of revenue and roads, the directors of the bank of the state of Alabama, judges of the county court and justices of the peace, shall be liable to work on public roads.

Who exempt.

Clerks of co'ty
courts to post
up list of over-
seers.

Sec. 7. *And be it further enacted,* That the clerks of the several county courts of this state shall put up in their respective court houses, on the first day of each circuit court, a list of the names and precincts of all the overseers of the roads in the county; and on neglect shall forfeit and pay for each failure ten dollars, to be recovered on motion made by the solicitor to the circuit court as prescribed in the fifth section of this act.

Penalty for
refusing to
serve as over-
seer.

Sec. 8. *Be it further enacted,* That every person refusing to serve as an overseer on any road agreeably to the order of the court of the county in which he resides without a reasonable excuse, to be judged of by the circuit court, shall forfeit and pay a sum not exceeding forty dollars; and that it shall be the duty of each and every overseer of any public road in this state, to notify the clerk of his county court of his non-acceptance within ten days after his being notified of his appointment, and on failure to do so, it shall be considered an acceptance of his appointment, and it shall moreover be the duty of the clerk to insert on the commission, the duties

Overseer to
notify clerk of
his acceptance
or non-accept-
tance.

required of overseers, in respect to his non-acceptance, any law to the contrary notwithstanding; and if any overseer shall notify the clerk of his refusal to act, the clerk shall forthwith report the same to two justices of the peace of the neighborhood where such overseer resided, who are hereby authorized and required to appoint a successor to serve for the residue of the time; and such new overseer, so appointed, shall be subject to the same penalties and forfeitures as the overseer appointed by the county court, and the penalty for refusing to accept shall be recovered by judgment in the circuit court, on motion of the solicitor, as is prescribed in the fifth section of this act, and the certificate of the clerk of the county court in all cases of forfeiture incurred under this section of this act, be deemed sufficient evidence: *Provided, nevertheless,* that no person shall be compelled to serve as an overseer more than one in every three succeeding years.

Proceedings
in case of re-
fusal.

Penalty, how
recovered.

Proviso.

Sec. 9. *Be it further enacted,* That it shall be the duty of the overseer of any road to give three days previous notice, by summons in person, or in writing left at their respective places of abode, by himself or some other person appointed by him, to all free male persons, as well as to the owner, overseer or overseers of slaves, liable to work on roads as appointed to him, to meet at such times and places as he may appoint, and to bring with them such tools to work with on the roads as he may direct; and if any free person, so summoned, shall fail to attend, or send a substitute to work in his place, or when attending shall neglect or fail to do and perform his or their duty therein, he or they shall forfeit and pay a fine of one dollar per day each, for every such failure, non-attendance, or refusal; and if any slave or slaves fail to attend agreeably to the summons of the overseer of the road, to the owner or overseer of such slave or slaves, then and in that case the owner, owners, or overseers, (as the case may be,) shall forfeit and pay one dollar per day for each and every slave that shall fail to attend as aforesaid: *Provided,* that all reasonable excuses shall be heard and allowed: And it shall be the duty of the overseer to return on oath a list of all hands apportioned to him within his district or precinct, who may not have worked when by him called out, to some justice of the peace in said precinct, whose duty it shall be, within ten days thereafter, to issue his warrant, and collect said fine as other debts are now collected by law, and the certificate of said overseer shall be deemed sufficient evidence; and the fines so collected shall be paid over to the overseer of said road, to be appropriated in hiring hands to work on said road: *Provided, nevertheless,* That if any overseer return an incorrect list to said justice of the peace, any person or persons injured thereby may recover the amount of any damages sustained by him or them, by an action of debt, before any justice of the peace or court having jurisdiction thereof: *Provided,* that overseers shall in no case pay cost in case the defaulter should be exonerated from fine.

Overseer to
give notice to
hands.

Penalty for
refusing to
work, &c.

Excuse to be
heard.

Fines, how
collected.

Proviso.

Proviso.

Sec. 10. Be it further enacted, That it shall be the duty of all overseers of public roads to measure such parts of roads as fall within their respective precincts or districts, in continuation, and to set up posts at the end of each mile, leading from the court house, or some noted place or town, and to mark on the said posts, in large legible figures, the distance in miles to said court house or other noted place, and when a post so erected shall be removed by any means whatever, the overseer of the road shall cause the same to be replaced by another, to be put in the same place, marked as on the one removed; it shall also be the duty of overseers of roads to affix at the forks of all public roads, in their respective districts or precincts, index boards, pointing towards, with directions to, the most noted places to which they lead; and on failure to put mile posts marked as aforesaid, or index boards as aforesaid, within sixty days after their appointment, the overseer of such road, for every such failure or neglect, shall forfeit and pay the sum of five dollars, to be recovered by judgment of the circuit court, on motion of the solicitor as prescribed in the fifth section of this act.

Sec. 11. Be it further enacted, That the overseers of the roads shall have power to call out all persons apportioned to work on their respective roads within their precincts or districts, at any time and at all times when they may think proper: *Provided nevertheless,* That no new road shall be cut out hereafter between the first day of March and the tenth day of July in each and every year: *And provided also,* That no person shall be compelled to work on more roads than one in any one year, nor more than ten days on any road: *Provided,* that no new road shall be opened through an enclosure whilst there is a crop growing in the same.

Sec. 12. Be it further enacted, That if any person or persons whatsoever shall alter or change any public road, unless it be by order of the county court of the county, founded upon the report of a jury appointed and sworn as in the case of laying out new roads, they shall on conviction of every such offence be fined in a sum not less than twenty dollars for each month the road is turned out of the old course, and that the old road shall in no case be shut up until the overseer shall certify to the court that the newly opened road is in good and sufficient order: nor shall any person or persons erect or cause to be erected across any public road any fence, bar, or impediment, or shall fall a tree or brush on the same, and shall not remove such impediment within twenty-four hours thereafter, he or they shall forfeit and pay five dollars for every such offence, and shall moreover be liable to pay five dollars for every twenty-four hours after the first day such impediment remains in said road; and it shall be the duty of the overseer of the road, turned as aforesaid, or on which such impediment may be, to lodge information with the solicitor of the county in which the same may be, and the circuit court shall enter up judgment against the offender or offend-

ers, as prescribed in the fifth section of this act, for the amount of the penalty incurred; and the oath of the overseers of the precinct or district shall in all cases be deemed sufficient evidence: *Provided*, that nothing herein contained shall subject the party removing said road to damages where the same is done to straighten said road through enclosures, or where the removal shall not render the said road more inconvenient to the public.

Sec. 13. *Be it further enacted*, That when to the overseer of roads it may appear expedient to make or repair causeways on the same, said overseer shall make them according to the grade of said road; and the earth necessary to cover said causeway shall be taken from either side of said causeway, at the discretion of said overseer, so as to make a drain on either or both sides.

Sec. 14. *Be it further enacted*, That when a bridge shall be necessary over any place where the overseer with his assistants cannot conveniently make it, the court of the county wherein such place may be, is hereby empowered and required to contract and agree for the building, keeping and repairing thereof, and to lay the charge on their county by tax or otherwise; and where bridges shall be necessary over any such creek or river, which divides one county from another, the court of each county shall join in the agreement for building, keeping and repairing the same, and the charge thereof shall be borne and defrayed by both counties in proportion to the amount of taxables in each; and all and every contract, agreement and order by the several county courts in this state, entered into, or made for or concerning the building, keeping or repairing of bridges or causeways in such manner as to them shall seem most proper, shall be good against them and their successors in office.

Sec. 15. *Be it further enacted*, That every overseer of any road who shall fail or neglect to keep the roads, bridges and causeways, within his district or precinct, clear and in good repair, or permit them to remain uncleared or out of repair, for fifteen days at any one time, unless hindered by high water, bad weather, or other sufficient cause, to be adjudged of by the court having jurisdiction of the same, such overseer so failing shall forfeit and pay for every such offence a fine not exceeding twenty dollars, at the discretion of the court, said fine to be recovered by judgment of the circuit court, on motion made by the solicitor, as prescribed in the fifth section of this act: *Provided nevertheless*, That payment of the penalty shall not prevent any persons who may have sustained damage by the road being out of order from recovering the amount of such damage from such overseer.

Sec. 16. *Be it further enacted*, That at all times hereafter the county courts of this state shall have power to establish ferries, and order them under such regulations as is hereinafter directed: that before any person shall open or establish a public ferry in this state, he shall apply to the county court

Proviso.

Causeways to be erected.

Bridges may be erected.

Over waters dividing counties, how erected.

Penalty on overseers for neglect of duty.

Proviso.

Ferries, how established.

Keepers to
give bond.

of the county in which such ferry may be, and the court, for good causes shown by the party applying, may grant a license to establish a ferry, and shall affix the rate of toll or ferriage on all persons, horses, cattle, or carriages, &c. that may pass the same, and shall moreover require from the person or persons so applying for license, to give bond with good and sufficient security in the sum of one thousand dollars, payable to the judge of the county court, and his successors in office, of the county in which the ferry may be, conditioned that the person or persons to whom said license may be granted, that he or they will constantly provide and keep a good and sufficient boat or boats, also keep the banks on each side of the water course in good repair, and that said ferry shall be well attended for travellers or other persons to carry or pass their horses, carriages, or effects, over such river or water course.

No ferry shall
be established
within 2 miles
of one already
established.

Proviso.

County courts
may establish
toll bridges.

Sec. 17. *Be it further enacted*, That where land is owned by the same person on both sides of a river, over which it may be necessary to establish a ferry, such person shall have the ferry established on his land on both sides if he desire it, unless public convenience would be thereby prejudiced; but if the land of such person is most suitable on one side of such river, and not on the other, then the court may establish such ferry so as to produce the most public good, and least private injury; but no public ferry shall be established within less than two miles by water of any ferry already established, unless on any river at or within two miles of any town: *Provided nevertheless*, That a ferry may be established on any sixteenth section whenever the trustees of said sixteenth section think it advantageous to the township in which said section may be.

Sec. 18. *Be it further enacted*, That the county court through whose county large creeks or water courses pass, over which it may be too burthensome to build bridges by a county tax, it is hereby made lawful for such county courts to contract with any person or persons to build a toll bridge or causeway, for which the court is hereby authorized to lay the toll to be levied on all persons, horses, cattle, and carriages, passing over the same, to be granted to the undertakers for such a number of years as the said court may agree upon for the building such bridge or causeway; and the builder or builders, and their successors, shall keep the same in constant repair, and in default thereof, the owners of such bridge or causeway shall, and are hereby declared to forfeit all right and title to the toll thereof during the continuance of the same out of repair.

Keepers to
give bond.

Sec. 19. *Be it further enacted*, That the county court, before granting a license to any person or persons to build a toll bridge or causeway, as authorized in the foregoing section of this act, shall take a bond in the same way and manner as is prescribed in establishing ferries, for a sum not exceeding one thousand dollars; and if any person or persons shall at any time sustain damage in consequence of any ferryman or owner

of the ferry, or keeper of a toll bridge or causeway, not having complied with the conditions of his or their bond, the person or persons so damaged may bring an action of debt against such ferryman or owner of such ferry, or keeper of a toll bridge or causeway, on his or their bond, in the name of the judge of the court of the proper county, and recover judgment for the non-performance of the said conditions, for so much damages as he, she or they may have sustained, and thereupon take out execution, and cause the money to be made, and when made, to apply the same to his, her or their use, which bond shall not be void upon the first or any other recovery; and it shall and may be lawful for any person or persons, detained at any public ferry by reason of the ferryman's not having good and sufficient boats, or other proper craft, and hands, or by neglecting to do his duty, to obtain a warrant from a justice of the peace, and recover of such ferryman or owner of such ferry, the sum of ten dollars for every default or neglect: *Provided*, That any such recovery shall not be a bar to any action for damages sustained by any person by reason of the insufficiency of said ferries and bridges.

Penalty for failure or neglect of duty.

Proviso.

Sec. 20. *Be it further enacted*, That if any person or persons shall establish a public ferry, toll bridge, or causeway, contrary to the provisions of this act, he or they shall forfeit and pay five hundred dollars for every public ferry, toll bridge, or causeway, so established, to be recovered by indictment or presentment by a grand jury, in the circuit court of the county or counties in which such ferry, toll bridge or causeway shall be so established; and every person or persons who may have any licensed ferry, toll bridge or causeway, and who shall demand and take a greater toll than is allowed him or them by law, or by order of the county court, shall forfeit and pay the sum of five dollars for each and every such offence, to be recovered by indictment or presentment of a grand jury, as prescribed in the foregoing part of this section.

Penalty for establishing a ferry without license.

For demanding unlawful toll.

Sec. 21. *Be it further enacted*, That it shall be the duty of the judges of the several circuit courts of this state to give in charge to the grand juries of the different counties, at the opening of each term of said courts, this act, and the said grand jury shall present the overseers of every public road, bridge, and causeway, as well as the owners and keepers of toll bridges, causeways and ferries, which shall not or may not have been kept in such order or repair as required by law; and every person or persons who may have altered any public road without having obtained an order of court therefor, as is directed by the provisions of this act, or any such person or persons who may have erected any fence or bar, impediment, or fell trees or brush in any public road, contrary to this act; and it shall be the duty of the solicitor of the circuit courts upon such presentments made by the grand jury, after giving such defaulter three days notice, to move the court for judgment against such defaulter or defaulters in the same way as prescribed in the fifth section of this act: *Provided, however*,

Judges to give this act in charge to grand jury.

that the court shall hear the excuse of any overseer or other person who may have violated the provisions of this section of this act, and on good cause being shown for default, then, and in that case, no judgment shall be awarded.

Overseer to contract for mile posts and finger boards.

How paid for.

Overseer may exchange service of hands for use of waggons.

Hands within certain districts liable to work.

Proviso.

Proviso.

All fines to be paid to county treasurer.

Sec. 22. *Be it further enacted*, That all overseers of roads in this state, may and are hereby authorized to contract with a carpenter to make all mile-posts and index-boards necessary for his district or precinct, of good durable wood, and for cutting the figures on the former, and for painting the latter, both of which shall be done in a good and proper manner, and it shall be the duty of the said overseer to attest his account, and deliver the same to the county court, who shall order the amount to be paid by the county treasurer out of any monies in the treasury belonging to the road fund.

Sec. 23. *Be it further enacted*, That when it may be necessary to use a waggon to haul materials for any bridge, causeway, or other purpose in repairing roads, the overseer of such road is hereby authorized to exchange the labor of any hands bound to work on such road, for the use of a waggon or waggons and teams to be employed as aforesaid; and if any overseer find it impracticable to make such arrangement, he is hereby authorized to hire a waggon or waggons when necessary, and present his account on oath to the county court, for the hire of the same, who shall pay the amount out of any monies in the county treasury belonging to the road fund.

Sec. 24. *Be it further enacted*, That all persons liable to work on public roads, living within five miles of any part of any public road, may be appointed to work on the same, and all persons liable to work on public roads, living within three miles of any new road about to be opened, shall work on the same: *Provided*, That all persons liable to work on public roads, and living within ten miles of the main public road leading from the town of St. Stephens to the city of Mobile, and south of Bassett's creek on said road, shall work on the same: *Provided, also*, that it shall be the duty of all persons liable to work on public roads, to work on some road; and when any person or persons living at a greater distance than five miles from any road, they shall be apportioned to work on the nearest road to them.

Sec. 25. *Be it further enacted*, That it shall be the duty of all overseers, justices of the peace, clerks of the inferior and circuit courts, or other officers into whose hands may be paid any monies arising from fines, penalties or forfeitures, under this act, (except the fines prescribed in the ninth section of this act,) to pay the same over to the county treasurer of the county in which the same may be, within twenty days after the same may come to his, or their hands; and if any overseer, justice of the peace, clerk of the inferior or circuit court, or other officer, fail or neglect so to do, he or they shall forfeit and pay for such failure or neglect, double the amount so received, to be recovered by judgment of the circuit court,

had on motion of the solicitor of the district, as prescribed in the fifth section of this act.

Sec. 26. *Be it further enacted*, That it shall be the duty of the county treasurer of the several counties of this state, to receive all monies directed to be paid them by this act, to keep a separate and distinct account of the same, under the title of "road fund," which monies shall be exclusively under the control of the county court; and shall be appropriated by them only, for the purpose of opening new roads, building and repairing bridges, causeways, public roads, and for erecting mile posts and index boards.

Treasurer to keep an account of road fund.

Sec. 27. *Be it further enacted*, That if any person shall be guilty of defacing or pulling down any mile post or index board, and being convicted thereof before any justice of the peace for said county, shall forfeit and pay ten dollars for every such offence, to be applied to the improvement of such road.

Penalty for defacing mile posts or index boards.

Sec. 28. *Be it further enacted*, That all commissioners appointed by the court to lay out roads, who may refuse or neglect to perform the duty assigned him or them, shall each forfeit and pay for every such failure or neglect, a sum not exceeding twenty dollars, to be recovered as is provided in the fifth section of this act: *Provided nevertheless*, That such fine shall not be imposed when a good and sufficient excuse may be offered.

For neglect of duty in commissioners.

Provide.

Sec. 29. *Be it further enacted*, That the apportioners appointed agreeably to the fifth section of this act, shall on or before the first Monday in April in each and every year, report to the clerk of the county court, the number of hands appointed to each overseer, within their respective bounds, to be filed in said clerk's office, on failure thereof each apportioner shall forfeit and pay not exceeding twenty dollars, to be recovered by judgment of the circuit court, had on motion of the solicitor of the circuit, as prescribed in the fifth section of this act: *Provided nevertheless*, That all good excuses shall be heard.

Apportioners to report the number of hands appointed to each overseer.

Sec. 30. *And be it further enacted*, That in those places where it is necessary to purchase timber to repair or causeway roads, the overseer of such road is hereby authorized to contract for such timber as will be necessary to repair such road; and where timber cannot be had near a road, where it may be wanting, the overseer may contract for hauling the same, which contract shall be laid before the judge of the county court and commissioners of roads and revenue, who are hereby authorized and required to order payment to be made for as much as they shall judge reasonable, out of the county treasury.

Overseer authorized to purchase timber.

How paid for.

Sec. 31. *And be it further enacted*, That where the overseer of any road fails to prosecute defaulters as the law directs, for failing to work on a road as warned, it shall and may be lawful for any person or persons that is appointed to work on said road, to apply to a justice of the peace near the precinct

Overseer failing to prosecute defaulters, how liable

where such overseer may reside; and the said justice is hereby required to issue a summons against such overseer, requiring him to appear before said justice, and shew cause why the defaulters were not prosecuted, and if such overseer fails to appear or shew cause as required, the justice shall give judgment with costs for as much as the fines would amount to from the defaulters complained of, and the officer collecting the same shall pay it over into the county treasury.

May appoint
an agent to
warn hands.

Sec. 32. *And be it further enacted*, That in all cases, the overseers of all and every road in this state, shall have authority to appoint one fit person in his respective precinct to warn the hands liable to work thereon; and notice thus served shall in all cases be as binding as if served by the overseer in person, and the person appointed and performing said duties, shall be exempt from working on roads.

Repeal.

Sec. 33. *And be it further enacted*, That the act entitled an act to reduce into one, the several acts concerning roads, bridges, ferries, and highways, passed December 21st, 1820, and an act entitled an act to repeal in part and amend an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries, and highways, passed Dec. 19, 1821, and all acts and parts of acts coming in conflict with the provisions of this act, be and the same are hereby repealed: *Provided*, that this shall not be construed to apply to any turnpike or other road authorized by name, by any act of the legislature, nor to the appointment of overseers in incorporated towns or to any of the duties of overseers or hands in said towns.

Proviso.

Not to extend
to Mobile co.

Sec. 34. *And be it further enacted*, That nothing in this act contained shall be construed to extend to the county of Mobile.

Penalty for
neglect of du-
ty in clerks or
sheriffs.

Sec. 35. *And be it further enacted*, That if any clerk or sheriff shall fail to perform any of the duties required of them by any of the provisions of this act, they shall on conviction, forfeit and pay the sum of fifty dollars, to be recovered in the same manner as is provided for by the fifth section of this act.

APPROVED JAN. 12, 1827.

AN ACT to incorporate the Cahawba navigation company.

Company es-
tablished.

Capital stock.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened*, That a company be established for the improvement of the navigation of the Cahawba river, the capital stock of which said company shall not exceed the sum of fifty thousand dollars, unless hereafter enlarged by law, exclusive of such sums as the General Assembly may hereafter think proper to subscribe; the right to make subscriptions is hereby reserved to the state to an unlimited amount: *Provided*, said state shall subscribe for the amount of stock intended to be taken within twelve months.

Subscriptions
for stock to be
opened.

Sec. 2. *And be it further enacted*, That subscriptions for stock, each share to consist of one hundred dollars, shall be opened

on the first Monday of June next, at the town of Cahawba, under the superintendence of J. J. Crocheron, U. G. Mitchell, John Shields, James Craig and Thomas Casey; at the town of Marion on the first Monday of June next, under the superintendence of John Derder, Temple Lea, Edwin D. King, George Weissinger and Abram Trigg; at the town of Centreville, on the first Monday of June next, under the superintendence of Alexander Hill, Anthony Sloughtenberg, Thomas Crawford, Mitchell Watkins and John Henry; which subscriptions shall be kept open for three days at each place: *Provided*, that a majority of the superintendents at either of the places aforesaid, shall be competent to open the books and receive subscriptions of stock.

When and by whom at Cahawba.

At Marion.

At Centreville.

How long to be kept open.

Proviso.

Sec. 3. *Be it further enacted*, That the superintendents at Cahawba shall have full power and authority to appoint agents to open subscriptions at any other place or places they may deem proper, and to publish the times of opening the same in some newspaper published nearest the place or places of opening such subscription.

Superintendents at Cahawba to appoint other agents to receive subscriptions.

Sec. 4. *Be it further enacted*, That one fourth of each share shall be paid at the time of subscribing, and the remainder by three equal instalments, at six, twelve and eighteen months thereafter, such times of payment to be determined by the directors, and notice given thereof; the payments to be made in a specie paying currency: And immediately after the time of subscription, the superintendents shall give notice in writing to the superintendents at Cahawba of the names of subscribers, the number of shares subscribed by each, and the monies paid in. And in case the aggregate amount of subscriptions amount to five thousand dollars, then the superintendents at Cahawba shall publish a day and place for the election of a president and seven directors, every share to be entitled to one vote, and stockholders to be entitled to vote by proxy; the said superintendents at Cahawba to have full power and authority to appoint managers for holding such election.

Subscriptions when paid.

Superintendents to be furnished with names of subscribers and number of shares subscribed.

President and directors to be elected.

Sec. 5. *Be it further enacted*, That in case the whole amount of subscriptions shall not amount to the sum of five thousand dollars, the superintendents at Cahawba shall forthwith determine, as their discretion may direct, either to order and advertise for opening subscriptions again at the places aforesaid, by the same superintendents, or others in case of death, removal, or refusing to act, of those previously appointed, or to direct the repayment to subscribers of the sums respectively subscribed and paid.

Subscriptions may again be opened.

Sec. 6. *And be it further enacted*, That the company hereby established shall be, and the same is hereby made a body politic and corporate, under the name and style of "the Cahawba Navigation Company;" and shall so continue until one thousand eight hundred and fifty-eight; and by that name shall be, and are hereby made, capable in law to have, purchase, receive, possess, enjoy and retain, to them and their

Style of the corporation.

Their powers.

successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, to any amount not exceeding in the whole one hundred thousand dollars; including in the amount of capital stock; and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any suit, action, matter or thing, in any court either of law or equity, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as they shall deem necessary and convenient for the government of said corporation, not being contrary to the laws of this state, or of the United States; and generally to do and execute all and singular the acts, matters and things which to them may appear necessary, or which to them it shall or may appertain to do, as incident to bodies corporate; subject nevertheless, in addition, to the restrictions, limitations and provisions hereinafter prescribed and declared: *Provided*, That nothing in this act shall be so construed as to authorize said company to exercise banking powers, or any other power not specially delegated in this act.

Proviso.

Directors to appoint officers.

To report to the legislature.

Vacancies, how filled.

Directors to order improvements, &c.

May enforce the payment of stock.

When toll shall be received.

Sec. 7. *Be it further enacted*, That the directors shall meet and organize, and appoint such officers as may be necessary for conducting the business of said company; they shall keep regular accounts, and make an annual report of their proceedings to the legislature of this state: In case of the death, resignation or removal of any one of the directors, or should a vacancy occur in any manner whatever, in the board of directors, a majority of the remaining directors may fill such vacancy; and an annual election of directors shall be held on the first Monday of February in each and every year at Cahawba: the directors shall have power to change the place of election of directors, giving public notice thereof in some newspaper, at least two months before the election.

Sec. 8. *Be it further enacted*, That the directors, a majority being present, shall have power to determine upon all plans of improvement, and may authorize a committee or agents to contract for, or to superintend the execution of any such plan, and to make contracts for necessary supplies, or for such superintendents and laborers as may be required, not to exceed in amount or value the sums appropriated by the board of directors.

Sec. 9. *Be it further enacted*, That the directors shall have power to enforce the payment of stock subscribed, either by making a failure amount to a forfeiture, or otherwise.

Sec. 10. *And be it further enacted*, That when the improvement of said river so far as Maybury's landing shall be deemed by the directors to be completed, and the directors shall desire liberty to receive toll for the passage of boats over the same, they shall apply to the Governor of this state, who shall cause the same to be examined; and in case such

improvement is deemed completed so as to admit the easy ascent and descent of boats of twenty tons burthen, then he shall certify the same to the directors; whereupon they shall be authorized to make regulations for receiving toll not exceeding the rates hereinafter mentioned, that is to say: For Rates. each barrel, eighteen cents and three-fourths; for each bale of cotton, ten cents; for each ton of iron, one dollar; for lumber of every description, in rafts or otherwise, one-fourth cent per cubic foot: *Provided*, said company shall defray all ex- Provide
penses incurred by every such examination.

Sec. 11. *Be it further enacted*, That when the improvement of said river shall be completed so far as Old-town, in Perry county, so as to allow the easy and safe ascent and descent of boats of twenty tons burthen, and the directors shall obtain the certificate of the Governor, in like manner as is provided for in the preceding section of this act, they shall be authorized to make regulations for receiving toll, not exceeding the rates hereinafter mentioned, to wit: For each barrel, Further rates
thirty-seven cents and a half; for each bale of cotton, twenty cents; for each ton of iron, one dollar and fifty cents; for lumber of every description, in rafts or otherwise, one half cent per cubic foot.

Sec. 12. *Be it further enacted*, That when the improvement of said river shall be completed to Centreville, or the Falls of Cahawba, and the certificate of the Governor obtained in like manner as is pointed out in a previous section, that then and in that event the directors shall be authorized to make regulations for receiving toll upon the whole route, not exceeding the rates hereinafter mentioned, to wit: For each Further rates.
barrel, fifty-six and one fourth cents; for each bale of cotton, thirty cents; for each ton of iron, two dollars; for lumber of every description, in rafts or otherwise, three-fourths of a cent per cubic foot.

Sec. 13. *And be it further enacted*. That after the completion of all and every part of the improvement on said river, his Excellency the Governor shall appoint some suitable person, whose duty it shall be, whenever said river shall be considered by him not to be in such repair as to admit of the easy ascent and descent of boats as contemplated by this act, to report the same to the Governor; and said company shall not receive any toll until said river shall be reported in sufficient repair for the easy ascent and descent of boats, and the certificate of the Governor obtained as prescribed in the ninth section of this act. When out of repair, no toll to be exacted.

Sec. 14. *And be it farther enacted*, That the directors, after receiving said toll on all or any part of the works, shall com- Dividends to be declared.
mence and declare semi-annual dividends, on the first Monday of February in each and every year, of nett proceeds, as may be above all expenses, and sums necessary for repairs and improvements.

Sec. 15. *Be it further enacted*, That stock shall be transfer- Stock, how transferred.
able only on the books of the company.

Prohibition. Sec. 16. *And be it further enacted,* That nothing in this act shall be so taken or construed as to prevent or obstruct the free navigation of said river, so far as it is now a navigable stream, until the assent of Congress shall be obtained authorizing the same.

Sec. 17. *And be it further enacted,* That all articles not herein enumerated, shall be rated by weight or measurement, and tolled according to the foregoing rates.

Repeal. Sec. 18. *And be it further enacted,* That all acts, and parts of acts, contravening this act, be and the same are hereby repealed.

President and directors to keep an account of costs Sec. 19. *And be it further enacted,* That the president and directors shall keep a true account of the costs and expenditure of the improvement of the said river, and on the first day in February, in each year, have the same made up, and the balance of profits struck and divided among the stockholders, and report the same to the General Assembly of this state; and, if it shall appear by the said return, under the oath of the president and directors, that the profits arising from tolls, divided, do not amount to twelve and a half per cent on the capital expended, the corporation shall be authorized to add to the tolls for the succeeding years, until the nett profits arising from tolls, after deducting all expenses, repairs and improvements, shall amount to twelve and a half per cent per year; that should it appear that the nett profits arising from tolls exceed twenty-five per cent per year, after deducting the expenses, repairs and improvements, the General Assembly reserve to themselves the right so to reduce the rates of toll, that the profits from the tolls to be divided shall not exceed twenty-five per centum.

To report to the legislature

Corporation may add to the toll in certain cases.

Approved, Jan. 10, 1827.

AN ACT to incorporate the Alabama and Tennessee canal company.

Company incorporated. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William D. Stone and Thaddeus Sanford, and their associates and successors, be and they are hereby constituted and appointed a body corporate, by the name and style of the "Alabama and Tennessee canal company;" and by that name, shall be and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality; and the same to sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter, or thing depending in any court of law, or equity, and also, to make, have, and use a common seal, and the same to break, alter and renew, at their pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as they shall deem necessary and convenient, for the government of the said corporation; not being contrary to the constitution or laws of the United States

Style.

Their powers.

or the state of Alabama: and generally to do and execute all and singular the acts, matters and things, which to them may appear necessary, or which to them it may appertain to do as incident to bodies corporate: *Provided always*, That it shall not be lawful for the said corporation to use or employ, any part of its capital for banking purposes, or exercise banking powers in any manner whatsoever: *And provided further*, That all contracts for the payment of money by the said corporation shall be under the seal of the same, and shall be taken to operate as specialties at law.

Sec. 2. *And be it further enacted*, That the capital stock of said corporation shall not exceed one million of dollars.

Sec. 3. *And be it further enacted*, That said corporation shall have power to open and construct a canal, with locks and other necessary appendages and appurtenances from any point or place on the waters of the Tennessee river in the state of Alabama, across to any point or place on the waters of Coosa, or Alabama rivers, and to open and improve the water courses aforesaid so that they may be navigable for flat-bottom boats, or other water craft, and also to remove the obstructions therein, and to open canal or canals, or in such other mode or way as they may deem expedient: *Provided*, no such improvement shall be made on the property of others without making compensation therefor, in manner herein after pointed out and prescribed: *And provided also*, That the said corporation shall on or before the meeting of the legislature in November eighteen hundred and twenty-eight, furnish to his excellency the governor of the state of Alabama, or deposit in the secretary of state's office a report or survey of the intended canal and improvements, thereof. To furnish the governor with a report.

Sec. 4. *And be it further enacted*, That if said corporation cannot obtain the consent of the owner or owners, proprietor or proprietors of land through which said canal or improvements may be necessary, it shall be lawful for said corporation to apply to the clerk of the circuit court and obtain a writ of *an quod damnum*, as in other cases, directed to the sheriff of the county in which said land may be situated, whose duty it shall be to summon a jury of twelve freeholders in said county and cause an inquest to be taken of the damages sustained by the owner or owners, proprietor or proprietors, of said land, by reason of opening said canal or other improvements thereupon made or to be made or erected by said corporation; and it shall be the duty of the said sheriff to notify the proprietor or proprietors of said land in writing, of the time and place at which said jury will assemble, at least five days previously, which inquest shall be returned to the circuit court of said county at the next succeeding term, and the clerk of said court shall issue a summons or summons's directed to said sheriff, directing him to summon the owner or owners, proprietor or proprietors of said land to shew cause why judgment should not be rendered by said court in pursuance of the verdict of the jury as aforesaid, and the said court judgment. Writ of ad quod damnum
Court to give

Proviso.

at the request of either party shall permit the merits of the case to be investigated by a jury: *Provided*, That no continuance shall be granted to either party.

When toll shall be received.

Sec. 5. *And be it further enacted*, That whenever said canal or water communication shall be rendered navigable for boats of twenty tons burthen, and so long as said canal or water communication shall be kept thus navigable, it shall be lawful for said corporation to demand and receive toll on all boats, barges or other water craft of whatsoever kind navigating the same, at such rates as the said corporation may think proper to fix, not exceeding ten dollars every ton of freight, or five dollars per ton burthen, and each boat or other water craft not having on board at least twenty tons of freight, for the whole length of said canal and improvements, and in like proportion for any shorter distance, which said boats or other water craft plies: *Provided*, That no toll shall be charged on boats navigating the Coosa river, until the falls of said river shall be improved by said corporation so as to admit the passage of boats of twenty tons burthen at all times, and in case the owner or commander of any boat, barge, or other water craft, navigating said canal, shall neglect or refuse to pay such amount of toll as may be assessed or fixed on the same by virtue of this act, it shall be lawful for the agent of this corporation to detain such vessel, boat, or other water craft until the toll is paid and discharged: *Provided*, that nothing in this act contained, shall imply the right of said corporation to charge any thing by way of toll for the navigation of the Alabama river or Coosa river below the Wetumkee falls of Coosa river: *And provided*, That the nett revenue or profits of said corporation accruing annually from the tolls to be charged and collected as aforesaid shall not exceed twenty-five per cent per annum on the amount of money expended in making and constructing the said canal and improvements, and that said corporation may so increase the tolls on boats or freights navigating said canal and improvements, or any part thereof, as to produce to said corporation a nett revenue of twelve and a half per cent per annum from the opening of said canal.

Rules.

Proviso.

Further proviso.

Further proviso.

Penalty for obstructing canal.

Corporation to sell stock to the state.

Sec. 6. *And be it further enacted, by the authority aforesaid*, That if any person or persons shall obstruct said canal or other improvements, the property of said corporation, by felling trees in said canal or otherwise obstruct the same or any of the appendages, or appurtenances thereunto belonging, he, she, or they, so offending shall forfeit and pay to said corporation double the amount of damages, which may be assessed by a jury in any court of record having jurisdiction thereof.

Sec. 7. *And be it further enacted*, That the said corporation shall at the expiration of forty years from the completion of said canal and other improvements, or at any time within ten years thereafter, be compelled to sell and transfer to the state of Alabama, at her option, the whole or any part of the stock in said canal, and other improvements by them owned,

at the fair selling price at that time, to be paid by said state to the corporation aforesaid.

Sec. 8. *And be it further enacted*, That if the said canal, and the necessary improvements therewith connected, shall not be commenced and unceasingly prosecuted within four years, and completed within ten years from the passage of this act, then this law shall be considered as obsolete. Canal to be commenced within four, & completed in ten years.

Sec. 9. *And be it further enacted*, That said corporation shall keep regular accounts, and make an annual report of all its expenditures and receipts to the legislature of this state, and its first annual report shall be made within one year after the commencement of said corporation to receive tolls. To make report to the legislature.

Sec. 10. *And be it further enacted*, That our Senators and Representatives in the Congress of the United States be requested to use their endeavors to procure the passage of an act vesting in the Tennessee and Alabama Canal Company so much of the public lands as may be proper and adequate, in the completion of said canal and improvements, and also to obtain for the benefit of said company the consent of the Cherokee nation of Indians to the opening and constructing of said canal and other improvements through their territory; and particularly to obtain the consent of Congress to the provisions of this act, so far as the same may be necessary.

APPROVED, Jan. 11, 1827.

AN ACT to incorporate the Muscle Shoals Canal Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Benjamin Sherrod, Benjamin B. Jones, Wm. H. Winter, John Hogan, James Jackson, John Coffee, Thomas D. Crabb, Nicholas Davis, Waddy Tate, John Boardman, Thomas Fearn, Clement C. Clay, John Lindsay, Wm. I. Adair, and Jacob Swoope, with their associates, be, and they are hereby made and constituted a corporation and body politic, by the name, style and title of the Muscle Shoals Canal Company, for the purpose of opening and constructing a canal navigation, with suitable locks, docks and basins, around or through the Muscle Shoals, including the Little Muscle Shoals and Calbert's Shoals, in the Tennessee river; and they, with their associates and successors, shall so continue and have perpetual succession: *Provided*, That it shall be lawful for the state, at any time within five years after the thirty-first day of December, 1856, to possess itself of the whole or any part of the capital stock of said corporation, at the par value thereof: and by that name are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law or equity in this state and elsewhere; to make, have and use a common seal, and the same to break, alter or amend at pleasure: They also have the power to purchase and hold as much real estate as shall be necessary for the site of said canal, roads, warehouses and Company is incorporated.

Style.

To have perpetual succession. Proviso.

Powers.

other buildings, docks, basins, and the proper application of the water power or use of water that may arise from the construction of the said canal, or any part thereof, with power to make as many wet and dry docks as they may deem advisable: *Provided*, the said lock, dams, &c. shall not interfere with or in any manner obstruct the free navigation of said shoals in the channels now in use, nor charge any tolls for the navigable unimproved parts thereof: and also to borrow money, and to pledge the stock of the said company for the payment thereof; and that said company be authorized to draw, buy, sell, and endorse bills of exchange to any amount not exceeding one thousand dollars, for the purpose of raising money to complete said canal, during the progress of the work, until it is completed, not to exceed five years, and afterwards to purchase (but not draw) bills of exchange to the amount of their dividends, for the purpose of making remittances to distant stockholders: *And provided also*, That said company shall at no time draw a bill of exchange for a less sum than two thousand dollars; and in no instance shall said company buy bills of exchange at a discount, or sell them at a premium; also to establish such by-laws, ordinances and regulations as shall be necessary for the well-being and government of the concerns of the said corporation, not contrary to the constitution and laws of this state, or of the U. States.

Proviso.

Further proviso.

Capital.

Divided into shares.

Subscription books to be opened.

Proviso.

Subscriptions may again be opened.

Sec. 2. *And be it further enacted*, That the capital stock of said company shall consist of eight hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed for in the manner hereinafter mentioned.

Sec. 3. *And be it further enacted*, That any time before the first day of October, 1823, the persons herein before named, or a majority of them, shall cause public advertisements to be made, at least sixty days previously, of the times and places in the state of Alabama, of opening books for the subscription of the stock of said company: which books shall be kept open, under the direction of one or more of the aforesaid persons, not less than six days, nor more than thirty days: *Provided, however*, at the closing of the subscription, it shall be found that a greater number of shares shall be taken than the number of six thousand shares, then the persons before named, or a majority of them, shall proceed to reduce the subscriptions in an equitable proportion, taking off from the larger subscribers, and not reducing any one below ten shares if practicable; but if four thousand shares shall not be subscribed for, then the above named persons, or a majority of them, shall be permitted at any time, and from time to time, before the first day of October, 1829, to cause public advertisements to be made in a similar manner, for further subscriptions of the said stock, under similar restrictions, in other cities and states, and the surplus subscriptions, if any, shall be reduced in the manner above mentioned.

Sec. 4. *And be it further enacted*, That whenever one thousand shares of the said stock shall have been subscribed for,

the persons aforesaid, or a majority of them, shall advertise a meeting of the stockholders in Courtland, giving at least thirty days notice of such meeting in some newspaper at Florence, Tuscumbia, Courtland and Huntsville, if any newspaper be printed in those places, and shall thereupon proceed to the election of a president and six directors, share-holders of said company, and also fix their compensation, if any, and ordain and adopt such other permanent by-laws, for the organization of said corporation, as they may deem needful, in which meeting, as at all future meetings or elections, each share-holder shall be entitled to one vote for every share he may hold, to the number of ten, and one vote for every five shares over ten; but no person who is not a citizen of the United States shall vote on any shares in said company either in person or by proxy: at all subsequent elections, no shares shall be voted on that have not stood in the name of the person claiming to vote at least three months previous to the day of election: shares may be voted on by proxy, duly recorded, and conforming to the foregoing qualifications: *Provided*, That the president directors, nor either of them, shall be authorized to represent any stockholders by proxy, nor become interested, either directly or indirectly, in any contract for the doing and performing any part of said work.

President and directors to be elected.

Proportion of shares to each vote.

Proviso.

Sec. 5. *And be it further enacted*, That the president and directors first chosen shall hold their offices until the first Monday in October, 1829, and until others shall be duly chosen in their places. On the first Monday of October, in each year after the said first election, the stockholders of the said company shall meet at some place within the Tennessee valley, to be designated by the president and directors, and there proceed to the election of a president and six directors, who shall be share-holders of said company, and resident citizens of the United States, and who shall hold their offices for one year, and until others shall be elected in their places: public notice of such meetings and elections shall be given by the secretary of the company in some newspaper printed in Huntsville, Courtland, Tuscumbia, and Florence, if any be printed in those places, thirty days previous to any such meeting or election. At the annual meetings, a statement of the affairs of the company shall be made out and presented to the meeting by the president and directors, and such dividends of the profits declared as they may deem advisable.

President and directors first chosen—how long to continue in office.

Elections.

President, &c. to make a statement of the affairs of the company.

Sec. 6. *And be it further enacted*, That the concerns of said corporation shall be under the control and superintendence and management of the said board of president and directors, a quorum of which to do business shall consist of the president and three directors, or in the temporary absence of the president, of four directors, who may appoint one of their number as president pro tempore. The president and directors may make such assessments and calls on the shares subscribed, and payable at such periods as they may deem proper, with such conditions of forfeiture for non-compliance,

Concerns to be managed by president & directors.

Quorum.

Calls may be made on shares at any time.

Proviso.

**Further provi-
so.**

**President and
directors to
appoint a sec-
retary, treasu-
rer, &c.**

**Their com-
pensation.**

To give bond.

**Vacancies,
how filled.**

**President, &c.
have power to
enter & survey
lands near the
canal.**

**Owners may
contract for
conveyance of
lands.**

**In case of dis-
agreement,
company may
proceed & lay
out grounds.**

**Court to ap-
point freehol-
ders to assess
damages.**

not exceeding the amount of the stock delinquent, as they may deem advisable: *Provided*, the president and directors shall give sixty days notice of such call: They may open or renew the subscription for the shares not already subscribed for, or dispose of them in any manner they may think for the interest of the company: *Provided, however*, that they shall not sell any share for less than the par value thereof; and also that sixty days notice of such subscription or sale is given in one or more of the public newspapers of the place where such subscription or sale shall be made.

Sec. 7. *And be it further enacted*, That it shall be the duty of said president and directors to appoint a secretary, a treasurer, and such other officers or agents as they may think needful for prosecuting said undertaking, and allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into effect; and to require and take such bonds or other security, in their corporate name, from any person or persons they may so appoint or contract with. In case of the death, resignation, or vacancy from any other cause, in the said board of president and directors, the remaining members may proceed to appoint a stockholder or stockholders to supply the vancy or vacancies of a president, director or directors, for the unexpired term for which he or they were elected.

Sec. 8. *And be it further enacted*, That the president and directors of the said company, by themselves, or their agents or workmen, shall have full power to enter into and open any lands in the vicinity of the proposed canal, and to survey and lay out such route or tract as shall be deemed by them most practicable for effecting a safe and easy navigation; and also for suitable locks, feeders, wet and dry docks, warehouses and other buildings, suitable for such objects as are within the contemplation of this act, and the organization of this company, doing as little injury to the adjoining lands and enclosures as possible in the prosecution of the proposed undertaking: and it shall be lawful for the owners of the lands to contract and agree to, and with the said president and directors for the conveyance of so much of the said lands as will be necessary and requisite for the purposes aforesaid, if the said president and directors can agree with said owners; but in case of disagreement, said company may proceed and lay out their works on such grounds as they may deem best adapted for the purposes of navigation, water works, wet and dry docks, and basins connected with them, and upon application of either party to the circuit court of the county wherein the lands lie, the said court shall appoint twelve disinterested freeholders to view and assess the damages and advantages arising to the said owner by the location of the said works, and make report thereof to the said court; which report, when received and duly admitted to record, shall be final; and on the payment of the money, if any is awarded, shall vest in the said company the fee-simple to the land. The

president and directors shall have power to sell or lease, for a term of years, mill sites, the privilege of erecting docks, warehouses, or other locations, on the said canal or its appendages.

President, &c.,
may sell or
lease mill sites

Sec. 9. *And be it further enacted*, That it shall and may be lawful for the said president and directors by themselves, their workmen or agents, to enter with such force as they may employ for that purpose, upon the lands contiguous or near to the proposed canal; and from thence to take and carry away any earth, stone, gravel, timber, &c. being most convenient for making or repairing the said canal and appendages, making proper compensation therefor to the owner of said land, if they can agree thereon, but in case of disagreement, then it shall be settled by valuation in the manner before recited: and when the said canal shall be completed suitable for the purpose of boats drawing four feet of water, in low stages of water, the said president and directors by themselves, their agents or servants, shall have power and authority to demand and receive from the owner or owners, master, or agent of all vessels, craft, barges, or other craft, entering the said canal, the following rates of toll, to be paid before the said vessel, boat, barge, or craft, shall be suffered to pass through the same, to wit: for steam boats, barges, or keel boats, twelve and a half cents per ton, United States measurement; and for each flat boat, three dollars; for passing through that part of the canal constructed through or around Colbert's shoals, and for steam boats, barges, or keel boats, ten cents per ton, U. States measurement, for every mile, and for each flat boat, one dollar for every mile; such steam boats, barges, keel boats and flat boats, pass through the canal constructed around or through the Muscle shoals and little Muscle shoals: *Provided*, That all steam boats, barges or keel boats, descending the river, and all that part of the cargo of boats ascending the river which is composed of salt, iron, castings and flour, shall only be subject to five cents toll per mile, on the canal around the Muscle shoals and little Muscle shoals, and the same for passing Colbert's shoals; for every ton of the said articles, and for every ton of the measurement of the said boats descending as aforesaid; all tolls to be paid in gold and silver coins of the United States, or other current money. The said president and directors shall establish and fix such sums as they may deem advisable for the use of the docks, basins, and other appendages of the said canal, which rates with the foregoing rates shall be posted up at conspicuous places on said canal, and no other or greater rates shall be demanded than those so posted up: *Provided*, That they shall at all times keep some person or persons at each and every gate erected on said canal for the purpose of letting such boats or water craft through the same without delay or detention: and for every such failure or neglect shall forfeit and pay to the owner, master, or agent of such boat, or water craft, the sum of five dollars for each hour such boat or water craft may be there

May carry away stone and timber from land convenient to canal.

Owner to be compensated.

When toll shall be rec'd.

Rates.

Proviso.

Penalty for detention of boats.

Proviso.

by detained, recoverable before any tribunal having competent jurisdiction thereof: *Provided, however,* That no such penalty shall be incurred for any detention arising from unavoidable accident, or from any temporary derangement of the works.

Penalty for injuring works.

Sec. 10. *And be it further enacted,* That if any person or persons, shall wilfully and knowingly, do any act or thing whatever, whereby the said navigation, or any lock, gate, dam, engine, machine or other thing thereto belonging, shall be injured or damaged, or impeded, or shall commit any wilful trespass, or take, carry away, or conceal, any material, instrument, tool, or other thing, belonging to, or used in, or about the said works, or shall open, or cause the locks to be opened, or attempt so to do, or to pass or repass, without the knowledge of the agent, or manager of the said canal, he, she, or they, so offending, shall forfeit and pay to the said canal company, their tenant or agent, three times the amount of the cost or damage sustained by means of, or through such wilful act, together with costs of suit, to be recovered before any court of competent jurisdiction; and in case of clandestinely taking and carrying away, be liable to a prosecution for theft as in other cases.

President, &c. to keep an account of costs and expenditures.

To declare dividend.

To report to the general assembly.

May add to the tolls.

Sec. 11. *And be it further enacted,* That the President and Directors shall keep a true account of the cost and expenditure of the said canal and appendages, on the first Monday of October in each and every year have the same made up, and the balance of profit struck, and divided among the Stockholders, and report the same to the next succeeding General Assembly of this state; and if it shall appear by the said return so made under the oath of the president and directors, that the profits arising from tolls divided, do not amount to twelve and a half per cent on the capital expended, the corporation shall be allowed to add to the tolls for the succeeding years, until the nett profits arising from tolls, after deducting all expenses, repairs and improvements, shall amount to twelve and a half per cent per year: that should it appear that the nett profits arising from tolls exceed twenty-five per cent per year, after deducting the expenses, repairs and necessary improvements, the legislature reserve to themselves the right and shall so reduce the tolls, that the profits arising from the tolls to be divided, shall not exceed twenty-five per cent.

Alabama and Tennessee may subscribe for stock.

May vote as other stockholders.

Sec. 12. *And be it further enacted,* That the state of Alabama shall have a right to subscribe for and take any amount of stock in this company, not exceeding one thousand shares; and that the state of Tennessee shall have a right to subscribe for and take any amount of stock in this company not exceeding one thousand shares, and that whatever sum may be so subscribed for and taken by the states, not exceeding one thousand shares each, shall not be reduced by any thing in the third section of this act contained; and that the said states shall be entitled to the same votes as other stockholders, and not otherwise; which votes may be so given by any person

appointed by the legislatures of the states: *Provided*, That *Provided* such subscription be made within two years from the time the books of subscription are opened.

Sec. 13. *And be it further enacted*, That the stock in said canal company shall and may be transferable in whatever manner the president and directors may, by their by-laws, ordain and appoint. Stock transferable.

Sec. 14. *And be it further enacted*, That unless four thousand shares of the said stock shall be subscribed for, on or before the thirty-first day of March, 1830, and notice thereof given to the Governor of the state, and unless the said company shall within ten years from the passage of this act have the main object of this charter, to wit, the canal itself, completed, the corporate powers hereby granted shall cease and determine, and all rights and privileges become null and void, to all intents and purposes, as if this act had not passed. Canal, when to be completed.

Sec. 15. *And be it further enacted*, That the agents, tenants, managers, superintendents and workmen, employed in and about said canal and its appendages, shall be exempted from working on the streets and highways of the respective districts in which they may be located, and also from serving in the militia, except in time of war or insurrections. Persons employed on canal, exempt from certain duties.

Sec. 16. *And be it further enacted, by the authority aforesaid*, That no higher tax shall either directly or indirectly be imposed upon the capital stock of said company than is now or may hereafter be imposed upon the capital stock of the banking institutions of this state generally, or other incorporated companies. Not to be taxed higher than similar institutions.

Sec. 17. *And be it further enacted, by the authority aforesaid*, That it shall not be lawful for the said corporation to use or employ any part of its capital for banking purposes, or exercise banking powers in any manner whatsoever; and that all contracts for the payment of money by the said corporation shall be under the seal of the same, and shall be taken to operate as specialties at law. Banking prohibited.

Sec. 18. *And be it further enacted*, That the said corporation shall not, directly or indirectly, deal or trade in goods, wares or merchandize, in any manner whatsoever: *Provided*, if the said corporation shall do any act which is not authorized by this act, or contrary to the provisions of the same, then and in such case the charter of said corporation shall be considered as forfeited. Company not to deal in merchandize.
 Proviso.

Sec. 19. *And be it further enacted*, That it shall be the duty of the president and directors of said corporation to lay before the General Assembly, within the first week of every session, statements of the amount of capital stock subscribed and actually paid in, the manner in which it is employed, particularly noticing the amount engaged in dealing in bills of exchange; and the state hereby reserves to herself the power of examining all books and papers, of what nature or kind soever they may be, by any person or persons the general assembly may appoint for that purpose; and provided the To report the situation of its affairs to the legislature.

Proviso.

president and directors of said corporation shall refuse to submit all books and papers belonging to said corporation to the person appointed as aforesaid, it is hereby declared that said charter shall be forfeited: *Provided, however,* that in case of any forfeiture of the charter of said corporation, the said corporation shall be liable in their corporate capacity for all debts due from the same: *And provided further,* that nothing herein contained shall exonerate the members of said corporation from liability in their individual capacity.

APPROVED Jan. 13, 1827.

AN ACT to improve the navigation of Flint river in Madison county.

Company established.

Capital.

Subscriptions to be opened.

At Brownsborough.

Huntsville.

Superintendents at Brownsborough to appoint other agents to receive subscriptions.

Subscriptions when paid.

Subscriptions may be opened again.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a company be established for improving the navigation of Flint river; the capital stock of which said company shall not exceed the sum of ten thousand dollars, unless hereafter enlarged by law.

SEC. 2. *And be it further enacted,* That subscription for stock, each share to consist of fifty dollars, shall be opened on the first Monday of May next, at the town of Brownsborough, under the superintendence of William Scott sen. James M'Cartney, George Taylor, Lewis Moore and William Veitch; and also on the same day in the town of Huntsville, under the superintendence of Thomas Brandon, Thomas Cain, A. D. Veitch, Henry Cook, and Byrd Brandon, and shall be kept open three days at each place.

SEC. 3. *Be it further enacted,* That the superintendents at Brownsborough, shall have full power and authority to appoint agents to open subscriptions at any other place or places they may deem proper and to publish the times of opening the same, in some newspaper printed in Huntsville, for receiving subscriptions.

SEC. 4. *Be it further enacted,* That of each share, shall be paid down at the time of subscribing, one fourth, the remainder at such times as the directors may think proper, and notice thereof given at least thirty days previously by publishing the same in one of the newspapers printed in Huntsville and such other places as they may think best; the payments to be made in specie paying currency: and immediately after the term of subscription, the superintendents shall give notice in writing to the superintendents at Huntsville, of the names of subscribers, the number of shares subscribed by each, and the monies paid in: and in case the aggregate amount of subscriptions amount to two thousand dollars, then the superintendents at Brownsborough shall publish a day and place for the election of seven directors, every share to be entitled to one vote, and stockholders to be entitled to vote by proxy; the said superintendents at Brownsborough to have full power and authority to appoint managers for holding such election.

SEC. 5. *Be it further enacted,* That in case the whole amount of subscriptions shall amount to the sum of two thousand dollars, the superintendents at Brownsborough shall forthwith determine, as their discretion may direct, either to order and advertise for opening subscriptions at the places aforesaid, by the same superintendents, or others, in case of death, removal, or refusal to act, of those previously appointed, or to direct the repayment to subscribers of the sums respectively subscribed and paid.

SEC. 6. *Be it further enacted,* That the company hereby established shall be, and the same is hereby, made a body politic and

corporate, under the name and style of the "Flint River Navigation Company," and shall so continue until the year one thousand eight hundred and forty-seven; and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature and quality soever, to an amount not exceeding in the whole twenty thousand dollars, including in the amount capital stock; and the same to sell, grant, devise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any suit, action, matter or thing, in any court, either of law or equity, or any other place whatsoever; also to make, have, and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as they shall deem necessary and convenient for the government of said corporation, not being contrary to the laws of this state or of the United States; and generally to do and execute all and singular the acts, matters and things which to them may appear necessary, or which may appertain to them to do, as incident to bodies corporate, subject, nevertheless, in addition to the restrictions, limitations and provisions hereinafter prescribed and declared: *Provided*, nothing in this act shall be so construed as to authorize said company to exercise banking powers, or any power not specially delegated.

Style of corporation.

How long to continue.

Their powers.

Proviso.

Sec. 7. *Be it further enacted*, That the directors shall meet and organize, and appoint such officers as may be necessary for conducting the business of said company; they shall keep regular accounts, and make annual reports of their proceedings to the stockholders thereof: In case of death, resignation, or removal of any one of the directors, or should a vacancy occur in any manner whatever in the board of directors, a majority of the remaining directors may fill such vacancy; and an annual election of directors shall be held on the first Monday of July in each and every year at Brownsborough, which said directors, when so elected, shall proceed to choose one of their own body as president of said board of directors, which said president, when so elected, with three of the directors, shall form a quorum to do business: Said president and directors shall hold their offices for twelve months, or until their successors shall be elected and qualified.

Directors to appoint officers.

To report to stockholders.

Vacancies, how filled.

Directors to choose a president.

Term of office.

Sec. 8. *Be it further enacted*, That the directors, or a majority of them being present, (one of which shall be the president,) shall have power to determine on all plans relative to the contemplated improvements, and may authorize a committee or agents to contract for, or to superintend the execution of, any such plans, and to make contracts for necessary supplies, or for such superintendents and laborers as may be required, not to exceed in amount or value the sums appropriated by the board of directors.

Directors to order improvements, &c.

Sec. 9. *Be it further enacted*, That the directors shall have power to enforce the payment of stock subscribed, either by making a failure amount to a forfeiture, or otherwise.

May enforce pay't of stock.

Sec. 10. *Be it further enacted*, That when the improvement of said river shall be deemed by the board of directors to be completed, and the directors shall desire to be at liberty to charge toll for the passage of boats over the same, they shall apply to the judge of the county court, who shall appoint commissioners to examine and report on oath whether the improvements have been made as con-

When toll shall be received.

Rates.

templated by this act; which report the clerk of the county court shall enter on record; and in case such improvement shall be deemed completed so as to admit the easy ascent and descent, at all times, of boats of ten tons burthen, he shall certify the same to the directors, who shall thereupon be authorized to make regulations for receiving toll, not exceeding the rates hereinafter specified, that is to say: For each barrel, six and one fourth cents; for each bale of cotton, twenty cents.

Toll, in certain cases, how regulated

Sec. 11. *Be it further enacted*, That all articles not herein enumerated, shall be rated by weight or measurement, and tolled according to the foregoing rates: *Provided*, that if the tolls do not at any time produce twelve and a half per cent on the capital stock expended in said improvement, said company shall have the right to increase the same so as to produce twelve and a half per cent thereon; and whenever the tolls produce more than twenty-five per cent, the judge of the county court shall have the right, and it shall be the duty of said court to reduce the tolls so as not to exceed twenty-five per cent; and it shall be the duty of the board of directors to report on oath annually to the county court the amount of nett profit that may arise from tolls.

Improvements to be made in five years.

Sec. 12. *Be it further enacted*, That if the improvements contemplated by this act, be not made in five years, then this act shall be null and void.

Extend from Brownsboro' to Ten'e river

Sec. 13. *And be it further enacted*, That the contemplated improvement hereby established shall only extend from Brownsborough to the Tennessee river: *Provided*, That no toll shall be collected by said company on Flint river below the point in said river where natural obstructions do not now exist; and the county court and commissioners shall have power, and it shall be their duty to determine on the point on said river below which no toll shall be collected for using said river.

Repeal.

Sec. 14. *And be it further enacted*, That all acts and parts of acts, contravening this act, be and the same is hereby repealed.

APPROVED Jan. 13, 1827.

AN ACT to incorporate the town of Decatur, in Morgan county.

Incorporation

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the town of Decatur, in the county of Morgan, as laid out and established by the trustees of the Decatur Land Company, in the year 1820, be and the same is hereby incorporated.

Comm'rs to be elected.

Sec. 2. *And be it further enacted*, That an election shall be held in said town on the first Monday in March next, and on the same in every year thereafter, to commence at the hour of twelve o'clock, and the polls shall be kept open two hours, for the purpose of electing five commissioners, resident citizens

Town constable, assessor & treasurer.

of said town, also, a town constable, assessor and treasurer; and the commissioners thus elected shall on the succeeding day choose from their own body, a president, for the next year ensuing, and the president and commissioners thus elected, shall constitute a body corporate by the name and style of "the president and commissioners of the town of Decatur;" a majority of whom may constitute a quorum to do business:

Comm'rs to elect presid'nt

Style.

Provided, That the office of assessor and constable may or

Proviso.

may not at discretion be conferred on the same person: *And* provided further, that all persons who have been residents of said town, one month immediately preceeding every election shall be entitled to a vote.

Sec. 3. *And be it further enacted*, That the president and commissiners, and other officers elected as aforesaid, shall proceed in the same manner, possess the same powers, and be subject to the same restrictions as were provided by law for the government of the president and commissioners of the town of Tuscaloosa, by an act passed the 13th December 1819. Powers of officers.

Sec. 4. *And be it further enacted*, That Jesse White, Thomas Sutherland, and Kinchen W. Davis or either of them, are authorised to hold the first election, as pointed out by the second section of this act, and that all future elections shall be held by the president and any of the commissioners and in case of the absence of the president by any two of the commissioners. Elections, by whom held.

APPROVED Dec. 8, 1826.

AN ACT to incorporate the Pikeville Library Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John D. Terrell, William H. Ragsdale, William H. Duke, John White, De La F. Roysden, Isaac T. Tinsley, James S. Ewing, Harley Tuttle, and their associates, be, and they are hereby, created a body corporate, by the name and style of the Pikeville Library Company. Incorporation Style.

Sec. 2. *And be it further enacted, by the authority aforesaid*, That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form, as may be prescribed by the by-laws to be made for the government of said corporation; and that they have full power to establish in the town of Pikeville a public library by the sale of stock, in such manner and on such terms as to them may seem expedient and proper; and that they may have a common seal, with power to alter and make new the said rules and regulations, and the common seal, as often as they shall deem it necessary. To have perpetual succession. Powers.

Sec. 3. *And be it further enacted*, That the said corporation shall be able and capable in law to purchase, have, hold, possess, enjoy and retain to itself, in perpetuity, for life, or any term of years, real estate, to the value of five thousand dollars; and to sell, alien and dispose of the same as they may think proper; and to have and possess personal estate to any extent, so far as the same will facilitate the object contemplated by said corporation, and to sell, alien and dispose of the same in like manner; and, by its name above mentioned, to sue and be sued, plead and be impleaded, answer or be answered, in any court of law or equity in this state, and to make such rules and regulations, not repugnant to the constitution and laws of this state, or of the United States, as they may deem expedient. Further powers.

APPROVED Jan. 14, 1827.

AN ACT to incorporate the Trustees of Greenville Academy, in Butler County.

Trustees in-
corporated.

Style.

Powers of the
corporation.

Additional
trustees may
be elected.

Vacancies,
how filled.

Officers to be
appointed.

Five to consti-
tute a quorum

Lottery au-
thorized.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an Academy be, and the same is hereby established in the county of Butler, by the name of Greenville Academy, and that Daniel Gafford, Mathew Wood, Micajah Wade, Ward Taylor, Thomas S. Herbert, John Herbert, John Wamack, Isaac Cook, Anderson Crenshaw and Edward H. Cook, their associates and successors be, and are hereby constituted a body corporate by the name and style of "The Trustees of Greenville Academy" and by that name shall have power to sue and be sued, to plead and be impleaded, to receive donations, to hold real estate to the value of ten thousand dollars and in general to do and perform all acts for the benefit of the institution which are incident to, and usually exercised by such bodies corporate, and which are not contrary to the constitution and laws of the United States or of this State.

SEC. 2. *And be it further enacted,* That said trustees their associates and successors shall have power to associate with them any number of men not exceeding seven, who when elected shall have equal rights with those here named, and shall fill all vacancies which may occur by death, resignation, refusal to act, or otherwise; and to appoint a president, treasurer, and secretary, and to prescribe the duties of each, and to make all such by laws for the Government of said academy and of their own meetings, as they shall think proper.

SEC. 3. *And be it further enacted,* That said trustees shall meet at such times and place as they shall think proper, and that five shall be a quorum to transact business until otherwise provided by their by-laws.

SEC. 4. *And be it further enacted,* That the trustees of said academy, be and they are hereby authorized to raise by way of lottery, for the benefit of said institution, a sum of money not exceeding five thousand dollars, on such plan or scheme as they may deem most advisable.

APPROVED Dec. 8, 1826.

AN ACT to repeal in part an act passed at St. Stephens, Feb. 10th, 1818, incorporating the St. Stephens Steam Boat Company.

Repeal.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of an act, entitled an act incorporating the St. Stephens steam boat company, passed 10th February, 1818, at St. Stephens, as might by construction seem to authorize the said company, or its agents, to issue any tickets, orders, checks, bills, or promissory notes of any value or description, be and the same is hereby repealed and made void.

Penalty for is-
suing bank
notes without
authority.

SEC. 2. *And be it further enacted,* That any person, body corporate, company or association, issuing any note for circulation, as a bank note, without the authority of law, be fined in a sum of one hundred dollars, and be imprisoned not more than six months.

APPROVED Jan. 12, 1827.

AN ACT to incorporate the Moulton Troop of Cavalry of Lawrence county.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Captain J. D. Harris, Lieutenant Ellis Gregg, Cornet John A. Weir, and their successors in office, and the non-commissioned officers and privates, composing the Volunteer Troop of Cavalry of Moulton, styled the Moulton Troop of Cavalry, be, and they are hereby declared to be, a body politic and corporate, under the same rules and regulations, powers and restrictions, prescribed in an act to incorporate a volunteer corps of infantry in the city of Mobile, styled the Mobile Republican Greens, passed at the General Assembly of this state held in the year 1824.

Sec. 2. *Be it further enacted,* That Captain John Gillin, Lieutenant W. D. Hart, Cornet Abraham Battle, and their successors in office, and the non-commissioned officers and privates, composing the Volunteer Troop of Cavalry on Town creek, Lawrence county, styled the Town creek Troop of Cavalry, be, and they are hereby declared to be, a body politic and corporate, under the same rules and regulations, powers, privileges and restrictions, prescribed in the first section of this act, incorporating the Moulton Troop of Cavalry.

APPROVED, Dec. 16, 1826.

AN ACT to amend an act, passed December 20, 1820, amending an act, passed 13th November, 1819, incorporating the town of Triana.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the corporate limits of the town of Triana be extended as follows, to wit: To run from the mouth of the barren fork of Indian creek up the west side of said creek to a point fifty yards north of Ninth street, thence running parallel with said street until it strikes the western boundary line of fraction twenty-two, range two, township five, west, thence south with said line until it reaches the former limit of said town, then said limits to remain as before.

Sec. 2. *Be it further enacted,* That the president of the board of trustees for said town shall be, ex-officio, a justice of the peace for the county of Madison, and shall have power to try all civil cases, and issue all process in and for said county that justices of the peace of this state have jurisdiction of, or power to issue, under the same penalties and restrictions to which justices of the peace of this state are and may be liable.

Sec. 3. *Be it further enacted,* That the town constable shall have power to serve all process within the limits of said town that the constables of this state are authorized to serve in their respective counties.

Sec. 4. *Be it further enacted,* That the president and board of trustees of said town shall have power to erect wharves upon the western bank of Indian creek, between a point opposite to the north side of Third street, and a point opposite to the north side of Broad street, and to regulate wharfage.

Town creek
troop of caval-
ry incorporat-
ed

Corporate li-
mits extended

President, ex-
officio, justice
of the peace.

His power.

Constable, his
power.

President, &c.
authorized to
build wharves
on Ind. creek.

Trustees may levy taxes. Sec. 5. *Be it further enacted*, That said trustees, or a majority of them, are hereby authorized to assess such taxes on all property lying within the limits of said town as they may think proper, for all the purposes of a proper police, said assessment of taxes not to exceed two hundred dollars per annum.

President, &c. to remain in office till successors be qualified. Sec. 6. *Be it further enacted*, That the president and trustees of said town, in office at the time of holding the annual elections, shall remain and continue in office until successors be duly elected and qualified.

Powers. Sec. 7. *Be it further enacted*, That the president and board of trustees shall have power to establish night watches or patrols, to provide for licensing and regulating retailers of liquors within the limits of said corporation: *Provided*, that the retailers of liquors licensed as aforesaid shall also have obtained licenses in the manner now pointed out by law: and the power of annulling the same, on good and sufficient complaint being made against any person holding such license; to restrain and prohibit gambling; and to provide for licensing and regulating theatrical and other public shows or amusements within the limits of the corporation; to sink wells, and erect and repair pumps in any of the streets, or on any of the public ground within said corporate limits.

President, &c. to publish a statement of receipts and expenditures. Sec. 8. *Be it further enacted*, That the president and board of trustees of said town shall, on or before the first Monday in December in each and every year, publish in three public places within said town, a true statement in writing of the receipt of any moneys into the treasury of the corporation, together with an exact and methodical account of the appropriations and disbursements made thereof.

Constable to give bond. Sec. 9. *And be it further enacted*, That the constable for said town shall enter into bond, according to the provisions of an act passed 20th December, 1820, for amending the act incorporating said town, in the sum of four hundred dollars, instead of two hundred dollars, as prescribed by said act.

APPROVED, Dec. 22, 1823.

AN ACT to amend an act, entitled an act to incorporate the town of Florence, in the State of Alabama.

Persons living in town, not compelled to work on roads nor those in the country, on streets. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the inhabitants residing within the corporate limits of said town shall not be liable to work on roads without the limits thereof, nor shall the inhabitants living without said limits be compelled to work on the streets or roads therein, any law to the contrary notwithstanding.

APPROVED Jan. 1, 1827.

AN ACT to repeal an act incorporating the town of Rodney, in Washington county.

Repeal. - SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the "act incorporating the town of Rodney, in the coun-

ty of Washington," passed on the thirteenth day of February, one thousand eight hundred and eighteen, be and the same is hereby repealed.

APPROVED Jan. 12, 1827.

AN ACT to incorporate a body of Free-Masons at Claiborne, in Monroe County.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James B. Colburn as M. V. Z. J. Henry N. Allen as M. E. S. W. Henry W. Taylor M. E. J. W. Ezra Hill as Treasurer and William H. Simpson as Secretary, with their associates and successors, be, and they are hereby incorporated and declared a body politic and corporated, in deed and in law, by the name and style of the "Alabama Council of Princes of Jerusalem," and said corporation by its name and style aforesaid, shall have a common seal, with power to alter the same and make all necessary by laws for their better government, and to sue and be sued, plead and be impleaded, in any court of record in this state, and the said corporation shall have power to purchase lands or personal estate, and to accept any devised bequest or donation, *Provided*, that nothing herein contained shall be construed to interfere with any powers, rights or privileges heretofore granted to the Most Worshipful Grand Lodge of this state.

Incorporation

Powers.

Provided.

APPROVED Dec. 12, 1826.

AN ACT to incorporate the Town of Pikeville.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Pikeville in Marion county, be and the same is hereby established, in conformity with the plan adopted by the commissioners of the aforesaid town, and the same is hereby incorporated.

Pikeville incorporated.

Sec. 2. *And be it further enacted,* That there shall be held at the court house in said town, on the first Monday of February next, and on that day in each and every succeeding year, an election from the hour of ten in the forenoon, until the hour of four in the afternoon, for the purpose of electing five persons, inhabitants of the town, to act as trustees thereof, a majority of whom shall constitute a quorum to do business, also a town constable, assessor, collector, and treasurer, to serve for the term of one year, which election shall be superintended by some justice of the peace.

Trustees to be elected.

Constable, assessor, collector & treasurer.

Sec. 3. *And be it further enacted,* That every free white male of full age, who has resided in said town three months previous to the election of the trustees, shall be entitled to vote for said trustees.

Who entitled to vote.

Sec. 4. *And be it further enacted,* That such trustees so elected, shall choose one from among their number as president thereof, and they shall have power and authority to pass such laws and regulations for the government and internal police of said town, as they may think proper, not contrary to the laws of this state, and to tax and impose reasonable fines and amercements in any one case not exceeding ten dollars, against all and upon all persons who shall offend against the laws, ordinances and regulations, of the corporation, made

Trustees to elect a president.

Their powers.

as aforesaid, and all such fines to be levied of the goods and chattels of such offender by warrant issued under the hand and seal of the president, directed to the town constable, who is hereby required and authorised to execute the same, which fines shall be paid into the town treasury appropriated to the benefit of said corporation, they shall also have power to imprison persons offending against the laws and regulations not exceeding twelve hours.

Vacancies,
how filled.

Sec. 5. *And be it further enacted*, That if any vacancy should happen from death, resignation or removal, of any of the said trustees, that then the citizens shall have authority to elect such person as they may think proper, to fill the vacancy, at such time as the balance of the trustees may appoint by advertisement at the court house in said town.

Trustees may
levy a town
tax.

Sec. 6. *And be it further enacted*, That the said trustees, at their first or any subsequent meeting, may levy and direct to be collected, a town tax not exceeding one half of the amount directed by law to be collected as a state tax, on persons and property in said town, which tax shall be appropriated to the use and benefit of said corporation.

Style of corpo-
ration.

Officers to
take oath.

Sec. 7. *And be it further enacted*, That said corporation shall be known as "*the president and trustees of the town of Pikeville*," that the commissioners and other officers of the corporation, shall severally before they enter on the duties of their office, take and subscribe an oath before some person qualified to administer the same, well and truly to discharge the duties to them committed, without fear, favor or partiality, a certificate of which oath shall be filed with the clerk of the board of commissioners.

APPROVED, Jan. 12, 1827.

AN ACT to incorporate the town of Russelville, in the state of Alabama.

Incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the inhabitants of the town of Russelville by the name of "*the mayor and aldermen of the town of Russelville*," be and they are hereby constituted a body politic and corporate, and by that name shall sue and be sued, grant, receive, and do all other acts, as natural persons; and may purchase and hold property, real and personal, and dispose of the same for the benefit of said town, and shall have a seal, which may be altered at pleasure.

Boundaries,
how establish-
ed.

Sec. 2. *And be it further enacted*, That the boundaries of said town as incorporated by the first section of this act, shall be established in conformity with the plan adopted by the trustees of the aforesaid town.

Election of
aldermen.

Sec. 3. *And be it further enacted*, That the corporation of the town of Russelville, consisting of the mayor and aldermen, shall consist of five members, residents in said town, the aldermen to be elected annually, on the first Monday in January in each and every year, by ballot, at an election by the qualified electors for members of the general assembly within the bounds of said incorporation, which election shall be

holden by the sheriff of Franklin county, and three respectable citizens, to be by him summoned as judges thereof, in which he shall be governed by the laws regulating elections for members of the general assembly; and the five persons receiving the highest number of votes, shall be aldermen for the ensuing year; and if any two or more of the highest number of votes should have an equal number, it shall be the duty of the sheriff, ex-officio, to declare which of said persons shall be alderman, and to give to the person so elected, a certificate of the same, and the aldermen so elected, shall after taking the oath required by law to be taken by all civil officers in this state, and an oath to discharge without favor or partiality the duties imposed by this act, proceed to elect by ballot one of their number, who, when elected, shall be mayor for the ensuing year: *Provided*, That the first election shall be held on the first Monday in February next, for the aldermen of said town, in manner above set forth, who shall hold their offices until the next general election for officers, and until their successors shall be qualified: *Provided*, That if the sheriff should fail at any time, to hold an election at the time herein appointed, it shall be his duty to advertise in three of the most public places, in said town, setting forth the time, not exceeding ten days, at which he will hold an election for aldermen for said town.

Aldermen to elect mayor.

Proviso.

Further proviso.

Sec. 4. *And be it further enacted*, That the mayor of said corporation shall, ex-officio, possess and have all the powers of a justice of the peace, and in addition to the oaths prescribed by this act to be taken by the aldermen, he shall take an oath without favor or partiality to discharge the duties incident to said office.

Mayor ex-officio justice of the peace.

Sec. 5. *And be it further enacted*, That the mayor and aldermen, or a majority of them, shall have power to appoint a secretary to the incorporation, to hold his office for the time until the next general election for aldermen of said town, but subject to be removed by the mayor with the concurrence of three-fourths of the aldermen in office, also to appoint annually an assessor, a collector of taxes, a treasurer and constable; to pass by-laws and ordinances, not inconsistent with the constitution and laws of this state, to restrain and prohibit gambling; to erect and repair the streets, avenues, and bridges; to inflict appropriate fines and penalties, for injuring, or in any way obstructing the same; to lay taxes, and provide for the collection for the same; to restrain and prohibit the nightly and other meetings or disorderly assemblies of slaves, free negroes, and other knavish or disorderly persons; to enforce the collection of fines, and penalties for violating any of the by-laws or ordinances adopted for the regulating said town.

Mayor, &c. to appoint a secretary, assessor, collector, treasurer and constable.

Powers.

Sec. 6. *And be it further enacted*, That the mayor and aldermen shall have power to levy a tax on all property taxable by the laws of this state, real or personal, as well as a poll tax: *Provided*, That they shall not be allowed to levy a tax, ex-

To levy tax,

Proviso.

Further pro-
viso.

ceeding the state tax on property, nor a poll tax on free polls exceeding one dollar: *And provided also*, That the tax on property be laid in pursuance of an assessment and valuation of said property, by an assessor of said incorporation, appointed by the board, which assessment shall be made in pursuance of an order from the board, and returned to the clerk of the incorporation, containing a list of the property so assessed, with the names of the owners thereof, and value of each article distinctly; and that said mayor and aldermen, shall have power to direct the mode of making out assessments and of correcting the same; and to prescribe the mode of collecting said tax, when the same has been given in to the assessor for tax, or for collecting a double tax, where the same has not been given in for tax and assessment, either by distress, sale, or otherwise; and said board shall have full power to prescribe the mode and time in which the collector shall collect and pay over the money by him collected, and to enforce obedience and punctuality in their officers, by proper and appropriate penalties, in a summary manner to be prescribed by motion before said board, whose order or judgment in all cases shall have the force of a judgment at law, on which a similar process may issue as from the circuit court; and to prescribe a mode by which, in like manner, judgment may be had against any of their officers and securities, by motion before the board.

Officers to
give bond.

Sec. 7. *And be it further enacted*, That the clerk, collector, treasurer, and constable, of said incorporation, before they enter upon the discharge of the duties of their appointment, shall enter into bond with security to the mayor and his successors in office, in the sum of one thousand dollars, conditioned, for the faithful discharge of the duties attached to said appointment, on which an action may be brought in the name of the mayor or successor, for the use of the corporation, or party injured, before any tribunal having jurisdiction thereof.

Mayor, &c. to
keep record of
proceedings.

Sec. 8. *And be it further enacted*, That the mayor and aldermen shall keep a record of their proceedings, in which all the ordinances, by-laws, and orders of said incorporation, shall be regularly entered, which on every adjournment, shall be read and signed by the mayor, and that a regular certified copy, of any of the proceedings of said board, by the clerk shall be received as evidence *prima facie*, of the fact, and that the record of the proceedings of said board shall be open at all times for the inspection of any person interested therein.

Constable's
powers.

Sec. 9. *And be it further enacted*, The constable appointed in pursuance of this act, shall possess the same powers and privileges within the bounds of said incorporation, and in pursuance and execution of this act, as constable under the state laws, and that the officers of the incorporation, unless otherwise provided for, by the board, shall have the same fees as state officers for like services.

Sec. 10. *And be it further enacted*, That the mayor possess-
 ing all the powers within the bounds of said incorporation of a justice of the peace, shall have exclusive jurisdiction of all matters and things arising under any of the regulations, ordinances, and by-laws of the incorporation, and shall have power and jurisdiction to hear and determine all fines and forfeitures, arising under the laws of the incorporation where the same does not exceed fifty dollars: *Provided however*, That in all cases, whenever either of the parties shall be dissatisfied with his decision, he, she or they, may appeal therefrom to the next term of the circuit court, under the same rules and regulations as prescribed for taking appeals from judgments of justices of the peace under the state laws.

Mayor's jurisdiction.

Provide.

Sec. 11. *And be it further enacted*, That the mayor and aldermen, a majority of them being present, shall have power by an order of the board, to allow to the officers of the incorporation, such sum or sums as may be reasonable and just, for any services they or either of them, may have rendered the incorporation, for which no specified fees may have been provided for by law.

Compensation of officers.

Sec. 12. *And be it further enacted*, That a majority of the aldermen with the mayor, in all cases not otherwise provided for, shall constitute a quorum to transact business, and that in case of the death, removal, refusal or inability of any mayor to act, the aldermen shall proceed to elect another in his stead, and that the mayor and aldermen in office, shall continue to act, until their successors shall have been elected and qualified.

Majority to form a quorum.

Sec. 13. *And be it further enacted*, That all laws and parts of laws relating to the incorporation of the town of Russellville heretofore passed be and the same are hereby repealed: *Provided*, That nothing in this act shall be so construed as to authorize said corporation to exercise banking powers.

Repeal.

Banking prohibited.

APPROVED Jan. 11, 1827.

AN ACT to incorporate the Tuscaloosa Library Company.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened*, That Henry W. Collier, William H. Jack, James, M. Davenport, George Starr, Henry A. Snow, George W. Crabb, and Thomas Owen, and their successors in office, be and they are hereby created a body corporate, by the name and style of the directors of the "*Tuscaloosa Library Company*."

Company incorporated.

Style.

Sec. 2. *And be it further enacted, by the authority aforesaid*, That the said corporation by their name aforesaid, shall have perpetual succession of offices and members to be appointed or elected by the stockholders in said library, in such manner and according to such form as may be prescribed by the by-laws to be made for the government of said corporation, and that they have full power to establish in the town of Tuscaloosa, a public library, by the sale of stock, in such manner and on such terms as to them may seem expedient and

Their powers.

proper; and that they may have a common seal with power to alter and make new the said common seal as often as they shall deem it necessary.

Further power.

Sec. 3. *And be it further enacted*, That the said corporation shall be able and capable in law, to purchase, have, hold, possess, enjoy and retain to itself in perpetuity, for the life of others, or any term of years, real estate, to the value of five thousand dollars, and to sell, alien and dispose of the same, as they may think proper, and to have and possess personal estate to any extent, so far as the same will facilitate the object contemplated by said corporation: *Provided* an election of successors to the above named directors, shall take place within six months from the passage of this act, and biennially thereafter. And to sell, alien and dispose of the same in like manner: and by its name above mentioned, to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such rules and regulations not repugnant to the constitution and laws of this state or of the United States, as they may deem expedient: *Provided* that nothing herein contained shall be so construed as to authorise said corporation to exercise banking powers.

Proviso.

Proviso.

Lottery authorized.

Sec. 4. *And be it further enacted*, That the said corporation may have power to raise by lottery, for the benefit of said library, a sum not exceeding one thousand dollars, in such manner as may seem expedient and adapted to the success of said library.

APPROVED, Jan. 6, 1827.

AN ACT making appropriations for certain claims against the State.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following sums be, and they are hereby, appropriated for the payment of the accounts of certain persons hereinafter mentioned, for provisions furnished to certain persons in the jails of the several counties within this state, to wit:

For J A Cunningham.

J P Bates.

W D Stone

Rep's of John Archer.

Sam'l Locker.

F L White.

Aaron Redus.

T A Reid.

Joel D Harris.

J H Burden.

R Caruthers.

W Skidmore

To Jno. A. Cunningham of Butler county, twenty dollars and eighty cents; to James P. Bates of Mobile county, seven hundred and sixty-three dollars and eighty cents; to William D. Stone of Mobile county, one hundred and ninety-nine dollars ninety cents; to the representatives of John Archer, late sheriff of Mobile county, five hundred and ninety dollars and twenty cents; to Samuel Locker of Marion county, sixteen dollars and eighty cents; to Fielding L. White of Madison county, three hundred and twenty-two dollars eighty cents; to Aaron Redus of Limestone county, one hundred and forty-five dollars thirty cents; to Thaddeus A. Reid of Jefferson county, three hundred and thirteen dollars twenty cents; to Joel D. Harris of Lawrence county, one hundred and twenty five dollars sixty cents; to J. H. Burden of Walker county, twenty dollars and forty cents; to Robert Caruthers of Madison county, two hundred ninety-six dollars and eighty cents; to William Skidmore of Morgan county, eighty-five dollars

sixty cents; to Covington Edmondson of Limestone county, C Edmondson twenty dollars; to John Hoskins of Jackson county, John Hoskins thirteen dollars sixty cents; to Hugh Henry of Bibb county, Hugh Henry fifty-four dollars forty cents; to Jno. J. Crocheron, assignee of William J J Crocheron W. Gary, of Dallas county, one hundred thirty-five dollars forty cents; to George W. Sneed of Lauderdale county, G W Sneed two hundred and nineteen dollars twenty cents; to Samuel B. S B Ewing Ewing of Dallas county, seventeen dollars twenty cents; to Eli Abbott Eli Abbott of Autauga county, five dollars sixty cents; to W Holbrooks William Holbrooks of Autauga county, five dollars twenty cents; to John Bauler, assignee of Horatio Dade, of Clarke John Bauler county, twenty-six dollars; to John Moody of Montgomery John Moody county, fifty-two dollars.

Sec. 2. *And be it further enacted*, That the sum of fifty dollars be, and the same is hereby appropriated to the payment of James Davany, for apprehending and prosecuting to con- J Davany viction in the circuit court of Madison county, Charles Harris, for the crime of horse stealing; that the sum of fifty dollars be appropriated to the payment of Samuel Ragland for S Ragland apprehending and prosecuting to conviction John P. Lyon for the crime of mule stealing.

Sec. 3. *And be it further enacted*, That the sum of forty dollars be, and the same is hereby appropriated to the payment of David Hubbard for prosecuting Moses, a slave, the prop- D Hubbard erty of Joseph Martin, charged with the crime of murder, Glasgow, a slave, the property of Robert White, and Montgomery, a slave, the property of Josiah O. Watson, charged with the same crime, and also for prosecuting Dempsey, a slave, the property of Isaac Fort, on a charge of grand larceny.

Sec. 4. *And be it further enacted*, That the sum of eighty-four dollars be and the same is hereby appropriated to the payment of Henry Minor, clerk of the supreme court, for a Henry Minor press, blank book for records, &c.

Sec. 5. *And be it further enacted*, That the sum of five hundred and twelve dollars be and the same is hereby appropriated to the payment of Rolls Perry, for furnishing eighty-five Rolls Perry desks, two tables, and four water stands, for the use of the members of the legislature.

Sec. 6. *And be it further enacted*, That the sum of twenty-six dollars be and the same is hereby appropriated to the payment of James Rather, for cleaning and oiling one hun- James Rather dred and four stand of muskets by order of the quarter master general.

Sec. 7. *And be it further enacted*, That the sum of ten dollars be allowed to Ebish Evans, and fifteen dollars be al- E Evans lowed to Josiah Evans, for apprehending and prosecuting to J Evans conviction Adam Lowery in the circuit court of Morgan county, for the crime of horse stealing.

Sec. 8. *And be it further enacted*, That the sum of thirty-six dollars be and the same is hereby appropriated to the payment of William T. Gamble, assessor and collector of taxes W T Gamble

for the year 1825, in the county of Shelby, that amount being allowed him for insolvencies.

H P Cochran. Sec. 9. *And be it further enacted,* That the sum of eighty-four dollars seventy-five cents be and the same is hereby appropriated to the payment of Hiram P. Cochran, of Tuscaloosa county, for personal attendance, and furniture procured for the use of the supreme court of this state.

Tho. Jones. Sec. 10. *Be it further enacted,* That the sum of one hundred dollars be and the same is hereby appropriated to the payment of Thomas Jones, for apprehending and prosecuting to conviction, in the circuit court of Marengo county, Jesse Tedder and Elisha Tedder, for the crime of horse stealing; that the sum of fifty dollars be and is hereby appropriated to the payment of Overton Harris, for apprehending and prosecuting to conviction, in the circuit court of Autauga county, John Owen, for the crime of mule stealing.

J I Thornton. Sec. 11. *And be it further enacted,* That the sum of eighty-seven dollars and nineteen cents be and the same is hereby appropriated to the payment of James I. Thornton, secretary of state, for office rent up to the first day of January, 1827; that the sum of eighty-four dollars be and the same is hereby appropriated to the payment of John C. Perry, treasurer, for office rent up to the first day of January, 1827.

James Brown. Sec. 12. *And be it further enacted,* That the sum of one hundred eighty-two dollars and eighteen cents be and the same is hereby appropriated to the payment of James Brown, door keeper, for stationary, fuel, &c. furnished this house.

W G Parrish. Sec. 13. *And be it further enacted,* That the sum of eighty-seven dollars and fifty cents be and the same is hereby appropriated to the payment of William G. Parrish, for office rent to the comptroller of public accounts up to the first of January, 1827.

H A Snow & Co Sec. 14. *And be it further enacted,* That the sum of nine dollars and fifty cents be allowed Henry A. Snow & Co. for a Journal for the use of the House of Representatives.

J H Sommerville. Sec. 15. *And be it further enacted,* That the sum of two dollars and fifty cents be allowed John H. Sommerville for quills furnished for the use of the House of Representatives.

J A Bates. Sec. 16. *And be it further enacted,* That the sum of one hundred and sixty-six dollars and eighty-four and a half cents be and the same is hereby appropriated to the payment of James A. Bates, door-keeper to the Senate, for stationary and fuel furnished the Senate during the present session; also the sum of fifty-six dollars be and the same is hereby appropriated to the payment of Nathaniel Carroll, for one hundred chairs furnished the present General Assembly; also the sum of ten dollars be and the same is hereby appropriated to the payment of Peter Martin, for defending John C. Calvert, by order of the circuit court of Franklin county; also the sum of seventy-five dollars be and the same is hereby appropriated to the payment of Grantland & Robinson for printing done for the legislature previous to their appointment as public

printers; also the sum of fifty-three dollars and sixty cents be and the same is hereby appropriated to the payment of Pleasant Wright, jailor of Green county, for victualling certain persons confined in the jail of said county; also the sum of sixty-three dollars and forty cents be and the same is hereby appropriated to the payment of Rolls Perry for tables, benches, &c. furnished the present General Assembly; also the sum of fifteen dollars and sixty cents be and the same is hereby appropriated to the payment of Thomas S. Hutchingson, jailor of St. Clair county, for victualling certain persons confined in the jail of said county; also the sum of twenty-seven dollars be and the same is hereby appropriated to the payment of Hiram Sharp for attending on the circuit court of Lawrence county as bailiff in the years 1822 and 1823; also the sum of ten dollars be and the same is hereby appropriated to the payment of Othello Jackson for services rendered the General Assembly at the present session; also the sum of forty-three dollars and seventy-five cents be and the same is hereby appropriated to the payment of Edward Sims, William G. Parrish, and John L. Tindall, for house rent in the town of Tuscaloosa, used as an arsenal from the first day of June, 1826, to the first day of January, 1827; also the sum of fifteen dollars be and the same is hereby appropriated to the payment of T. M. Davenport for printing done for the General Assembly at its present session.

P. Wright.

Rolls Perry.

T. S. Hutchingson.

Hiram Sharp.

O Jackson.

E Sims, W G Parrish and J L Tindall.

T M Davenport.

APPROVED, Jan. 13, 1827.

AN ACT making appropriations for the year eighteen hundred and twenty-seven.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list, and other necessary charges of government, namely, for the payment of the members of the General Assembly at the present session, twenty-five thousand dollars; for the payment of the annual salary of the Governor of this state, two thousand dollars; for the payment of the annual salaries of the Judges of the circuit courts, seventeen hundred and fifty dollars each, making ten thousand five hundred dollars; for the payment of the annual salary of the Secretary of State, Comptroller and Treasurer, one thousand dollars each, making three thousand dollars; for the payment of the annual salary of the Attorney General, three hundred dollars; for the payment of the annual salary of the Solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the Solicitors of the second, fourth, fifth, and sixth judicial circuits, two hundred and fifty dollars each, making one thousand dollars; for the payment of the Adjutant General, one hundred dollars; for the payment of the Secretary of the Senate and Clerk of the House of Representatives, each seven dollars per day; for the payment of the Assistant Clerks of the Senate and of the House of Representatives, each five dollars per day; for the payment of the door keepers of the Senate and of the House of Representatives, each four dollars per day; to be paid out of any money in the Treasury not otherwise appropriated.

For members of the general assembly.

Governor.

Judges.

Executive officers.

Atto. General.

Solicitors.

Adj't General.

Sec. of Sen. & Clk of H. R.

Ass't clerks.

Door-keepers.

- Contingent fund. Sec. 2. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated and set apart as a contingent fund, subject to the Governor's draft.
- Secretary of the Senate. Sec. 3. *And be it further enacted*, That the sum of one hundred dollars, be allowed to the Secretary of the Senate, in full for his services, in completing the journals and arranging the papers of the Senate.
- Clerk of the House of Rep. Sec. 4. *And be it further enacted*, That the sum of one hundred dollars, be allowed the Clerk of the House of Representatives, in full for his services in completing the journals and arranging the papers of the House of Representatives.
- Secretary of State. Sec. 5. *And be it further enacted*, That the sum of two hundred and seventy-five dollars be appropriated, as compensation to the Secretary of State, for copying and making an index to the laws; for copying the journals of each house of the General Assembly for the present session; preparing the whole for the press, and superintending the printing of the same.
- Comptroller. Sec. 6. *And be it further enacted*, That the sum of two hundred and fifty dollars be allowed the Comptroller of Public Accounts, for clerk hire for the present year.
- State printer. Sec. 7. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated for the payment of the State Printer.
- And. Pickens. Sec. 8. *And be it further enacted*, That the sum of twelve hundred and fifty dollars, be, and same is hereby appropriated for the payment of Andrew Pickens for his services as president of the bank of the State of Alabama for the year 1826.
- H. Garrard. Sec. 9. *Be it further enacted*, That the sum of sixty dollars and seventy-three cents be appropriated, for the payment of the claim of Henry Garrard tax collector for the county of Lauderdale.
- APPROVED, Jan. 9, 1827.

AN ACT to incorporate the Rocky Mount Academy, in Autauga County.

- Established. SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an Academy be, and the same is hereby established at Rocky Mount in Autauga county; and that John G. Graham, Malcom Smith, Jacob Whitstone, William Hall, Littleton Reese, Zachariah T. Watkins, and Peyton Bibb, and their successors be, and they are hereby constituted a body corporate, by the name and style of "The President and Trustees of Rocky Mount Academy," and by that name shall have power to sue and be sued, to plead and be impleaded, to receive donations, to hold real and personal estate, to the value of twenty-five thousand dollars, and in general to do all acts for the benefit of the institution, which are incident to bodies corporate, and which are not repugnant to the constitution and laws of the United States, or of this State.
- Trustees incorporated. Sec. 2. *And be it further enacted*, That the said trustees and their successors shall elect from their own body a President to serve one year and until his successor is appointed, and also Treasurer and Secretary, and prescribe their duties, and shall also have power to pass all by-laws, for the government of the Seminary and of the their own meetings as they shall think proper: *Provided always*, that a majority of said trustees shall form a quorum to do business.
- Powers of the corporation. Sec. 3. *And be it further enacted*, That whenever a vacancy shall occur in said board of Trustees, either by death, resignation, removal or refusal to act, it shall be the duty of said President and Trus-
- To elect a president, treasurer and sec'y.
- Proviso.
- Vacancies, how filled.

tees or any one of them, to order an election to be held at the school room to fill such vacancy, giving at least ten days notice by advertisement at three or more public places, and that the free holders and house holders in township seventeen, of range seventeen, shall elect some suitable person to fill such vacancy, who shall enjoy all the rights, powers and privileges, of an original Trustee.

APPROVED Jan. 12, 1827.

AN ACT to authorise the Administrator and Administratrix of George Hardwick, to sell a certificate for one quarter section of land.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Garland Hardwick, Administrator and Mary Hardwick, Administratrix of George Hardwick deceased be, and they are hereby authorised to sell and transfer a certificate for one quarter section of land, owned by the said George Hardwick at his death, upon such terms as they may deem most advantageous. To sell certificate for quarter section of land.

Sec. 2. *And be it further enacted,* That upon the sale of such certificate, the said Administrator and Administratrix, shall have power, and they are hereby authorised to make as complete and legal a transfer of the same, to the purchaser or purchasers, as could have been made by the deceased during his life time: *Provided,* the said administrator and administratrix shall before the sale of said certificate, enter into bond with sufficient security, payable to the judge of the county court of St. Clair county, and his successors for the faithful distribution of the money arising from the sale thereof, according to the laws relating to, and regulating the estate of deceased persons. To make conveyance.
 Provided.

APPROVED, Jan. 13, 1827.

AN ACT for the relief of the legal representatives of Daniel Duval.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and directed, to settle the claim of Daniel Duval, deceased, late tax collector of Mobile county, for insolvencies in the tax list of said county, upon principles of justice and equity, and allow him such credits as shall be found due him, not exceeding the amounts with which he stands charged on the books of the said comptroller. Comptroller to settle the claim of D. Duval, dec'd.

Sec. 2. *And be it further enacted,* That the legal representatives of said Duval be and they are hereby allowed until the first day of June next, to file the claims of the said Duval for keeping prisoners, assessing taxes, and taking the census, with the comptroller of public accounts, for adjustment, who shall upon the production of sufficient legal vouchers, at or before the expiration of the period aforesaid, suspend judgment and execution, as to such amount as he may audit and allow under this section, until the meeting of the next general assembly, to which the said claims and vouchers shall be submitted for final allowance or rejection, upon condition, however, that the securities of said Duval consent to the provisions of this act, and file their consent in writing in the office of the secretary of state, on or before the said first day of June next. Representatives of Duval allow'd till 1st June to file claims.
 Comptroller's duty.

APPROVED Jan. 10, 1827.

AN ACT to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa.

Preamble.

Whereas, it is represented by the petition of Martha Brandon, the widow and administratrix of Josiah K. Brandon, deceased, that the said Josiah K. Brandon, in his lifetime purchased in new town, the lots No. 17, 18, 20 and 90; and in old town, No. 264 and 265, on all of which full payment have been made; that all the debts due from said Brandon have been paid; that she, and her daughter, are the sole heirs of said deceased; that said lots are unimproved and must remain so unless they can be sold, as said estate is without the means of doing so, and that the interest of herself and child will be greatly promoted by selling said lots.

Authorized to sell certain lots.

Proviso.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,* That the said Martha Brandon is hereby authorized to sell all or any of said lots at public sale to the highest bidder for cash or on credit, as she may deem most advisable, on giving thirty days notice of the time and place of said sale in some newspaper printed in Tuscaloosa: *Provided*, said Martha shall execute to the judge of the county court of Tuscaloosa a bond with security to be approved of by him, in the sum of \$5,000, conditioned to account for and pay over to her said daughter, her proportion of the proceeds of said sale.

Approved Jan. 13, 1827.

AN ACT authorizing the administrator of Samuel Greenlee to transfer the certificate to the lands hereinafter mentioned.

Wm. Black, adm'r of S. Greenlee, dec. authorized to transfer certificates for land.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William Black, administrator of Samuel Greenlee, deceased, be and he is hereby authorized to transfer to Thomas Butler the certificates to the following tracts of land, lying within the districts of St. Stephens and Cahawba, to wit: S. W. qr. of Section 1, Township 6, Range 4; Fraction No. 21, T. 18, R. 2; N. E. qr. S. 22, T. 16, R. 10; S. E. qr. S. 22, T. 16, R. 10; N. E. qr. S. 35, T. 12, R. 9; N. W. qr. S. 36, T. 12, R. 9; N. E. qr. S. 36, T. 12, R. 9; S. W. qr. S. 35, T. 7, R. 5; N. W. qr. S. 15, T. 6, R. 4; Fraction No. 28, T. 16, R. 10.

Transfer to be binding.

SEC. 2. *And be it further enacted,* That the transfers, when made, shall be as binding, to all legal intents and purposes, as if the same had been made and executed by Samuel Greenlee in his life time.

APPROVED Jan. 13, 1827.

AN ACT to make compensation to the commissioners to close the unsettled accounts between this State and Mississippi, and for other purposes.

To M. D. Williams & J. D. Terrell \$164.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller of public accounts be and he is hereby required to issue his warrant on the treasurer in favor of M. D. Williams and John D. Terrell for the sum of one hundred and sixty-four dollars each, as a full compensation for their

services and expenditures, respectively, as commissioners for travelling to the seat of government in Mississippi state, to close the unsettled accounts between the states of Alabama and Mississippi, under a joint resolution of the General Assembly of this state, passed at the last session: *Provided*, That *Proviso*, any amount which may have been received by said commissioners out of the contingent fund shall be deducted from the sum allowed them by this act.

Sec. 2. *And be it further enacted*, That the law under which *Repeal* said commissioners were appointed, be and the same is hereby repealed.

APPROVED Jan. 12, 1827.

AN ACT to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the comptroller of public accounts be and he is hereby required to issue his warrant on the treasurer, in favor of Arthur P. Bagby, for the sum of six hundred dollars, and of Charles Lewis for the sum of six hundred dollars, in full compensation for their services and expenditures respectively, as commissioners for ascertaining and marking the boundary line between this state and Georgia, under a joint resolution of the general assembly, passed at the last session thereof.

To A P Bagby
and C Lewis.

Sec. 2. *And be it further enacted*, That the further sum of one hundred and fifty eight dollars and fifty cents, be, and the same is hereby, appropriated for the payment of Charles Lewis, for the survey of the Chatahoochie river, made by order of the Governor.

To C Lewis.

Sec. 3. *And be it further enacted*, That the sum of eighty dollars be and the same is hereby appropriated for the payment of William Kelly, for his attendance at Nickajack, by order of the Governor, to aid in running the line between this state and the state of Georgia, in the event either of the commissioners of this state was absent or incapable of attending.

To W Kelly.

APPROVED, Dec. 26, 1826.

AN ACT for the relief of James W. Armstrong.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the comptroller of public accounts be authorized and instructed to ascertain whether the sheriff of Montgomery county did collect for the state on a judgment obtained by the state against James W. Armstrong, a defaulting tax collector, a larger sum than he was legally bound to pay, and to issue his warrant on the treasury in favor of said James W. Armstrong, for such excess, if any there be due him.

Comptroller
to ascertain
whether more
was collected
from J W Arm-
strong than he
was bound to
pay; and if so,
to have excess
refunded.

APPROVED, JAN. 12, 1827.

AN ACT to emancipate certain slaves therein named.

Whereas it is represented to the General Assembly by the *Preamble* memorial of a large number of respectable inhabitants of Mo-

tile, that sundry persons of color, residing below the thirty-first degree of north latitude, and descendants of the ancient Creole population of Florida, whose owners have emancipated them from the bonds of slavery, are honest, industrious, and well-disposed people, and that their being emancipated would not tend to the injury of the community, but would be beneficial to the individuals concerned: And whereas it also appears to the General Assembly that this description of persons would have been entitled to this privilege under the Spanish government, of which they were native subjects:

SECT. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Marie and her
three children
emancipated.

Bond to be
executed.

That the negro slave named Marie, and her three children, named Celine, John Baptiste, and Alexander, the property of Auguste Lacoste, of the county of Mobile, be and they are hereby emancipated, and forever freed from slavery and bondage, saving however the rights of creditors, and on the express condition that the said Auguste Lacoste enter into bond with security in the penal sum of two thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor of this state for the time being, and his successors in office, to be filed in the office of the clerk of said county court, conditioned that the said negro slave named Marie, and her three children, named Celine, John Baptiste, and Alexander, shall not become a public charge to the state, or to any county, city or town thereof.

Isidore eman-
cipated.

Bond to be
executed.

Sec. 2. And be it further enacted, That the negro slave named Isidore, late the property of Jane Dubroca, of the county of Mobile, be and he is hereby emancipated, and forever freed from slavery and bondage; saving however the rights of creditors, and on the express condition that bond with sufficient security, in the penal sum of six hundred dollars, be entered into, to be approved by the judge of the county court of Mobile county, made payable to the Governor for the time being, and his successors in office, to be filed in the office of the clerk of said court, conditioned that the said negro slave named Isidore shall not become a public charge to the state, or to any county, city or town thereof.

Margueritte
Mitchell and
Philip eman-
cipated.

Bond to be
executed,

Sec. 3. And be it further enacted, That the mulatto woman named Margueritte Mitchell, formerly the property of William Mitchell, of the county of Mobile, and Philip, the son of the said Margueritte, be and they are hereby emancipated, and forever freed from slavery and bondage, saving however the rights of creditors, and on the express condition that bond with sufficient security, in the penal sum of one thousand dollars, be entered into, to be approved by the judge of the county court of Mobile county, made payable to the Governor for the time being, and his successors in office, to be filed in the office of the clerk of the said county court, conditioned that the said mulatto woman named Margueritte, and her son Philip, shall not become a public charge to the state, or to any county, city or town thereof. *Approved Jan. 13, 1827.*

AN ACT to emancipate certain slaves therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the colored woman slave named Nancy, and her four children, named Gertrude, Francois, Catherine, and Fostin, the property of Bazile Chastang, of the county of Mobile, be and they are hereby emancipated, and forever freed from slavery and bondage; saving however the rights of creditors; and on the express condition that the said Bazile Chastang enter into bond with security, in the penal sum of two thousand dollars, to be approved by the judge of the county court of Mobile county, made payable to the Governor for the time being, and his successors in office, to be filed in the office of the clerk of the said county court, conditioned that the said colored woman slave named Nancy, and her said four children, named Gertrude, Francois, Catherine and Fostin, shall not become a public charge to the state, or to any county, city or town thereof. Nancy and her four children emancipated.
Bond to be given.

APPROVED Jan. 11, 1827.

AN ACT to change the names and render legitimate certain persons therein named.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in general assembly convened,* That from and after the passage of this act, Polly Stean, Julius Cæsar Stean, the natural children of Elizabeth Ernest, formerly Elizabeth Stean, whose putative father is Isom Ernest, are rendered legitimate heirs of the said Elizabeth and Isom Ernest, in the same manner, and entitled to the same lawful rights, as if they had been born in lawful wedlock; and that the said Polly Stean and Julius Cæsar Stean shall hereafter be known in law by the names of Polly Ernest and Julius Cæsar Ernest. Polly Stean & Julius Cæsar Stean legitimated, and names changed to Ernest.

APPROVED Dec. 8, 1826.

AN ACT to authorizing the administrator of Wm. McAlister, deceased, to transfer a certificate therein named.

Whereas the certificate for the north-east quarter section of No 17, range 5, township 8, west of the meridian, was issued by mistake to William McAlister; and whereas the said William McAlister, has departed this life without transferring the same to John Russell, the individual by whom the money was paid, and to whom the certificate should have issued, and there is no law empowering the administrator of said William McAllister, to make said transfer, as he is ready and willing, and as justice and equity requires him to do.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Daniel J. McAllister, administrator of William McAllister, deceased, be and he is hereby, authorized and empowered to transfer said certificate to John Russell or his legal representatives, upon a satisfactory showing, to be approved of by the judge of the orphans court of Lawrence county, that he is equitably entitled to the benefit of the same.

APPROVED, Dec. 16, 1826.

AN ACT for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile, for the year 1822.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to allow Theophilus L. Toulmin, late tax collector for the county of Mobile for the year 1822, the sum of five hundred and nineteen dollars and seven cents, as a credit upon a judgment rendered by the county court of Dallas county, in favor of the state against said Theophilus L. Toulmin; the same being the amount of insolvencies for the year 1822, allowed him by the county court of Mobile county, with damages and interest thereon.

APPROVED JAN. 11, 1827.

AN ACT authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Sarah Bowie, administratrix of the estate of John Bowie, deceased, late of the county of Washington, be and she is hereby authorized and empowered to sell and transfer all the real estate, belonging to the said intestate, consisting of one fraction of land, situate and being on the east side of the Tombeckbe river, in the county of Clark, containing two hundred and thirteen acres, on such terms and conditions as the said administratrix may deem most advisable and advantageous to the interest of the said estate: *provided,* That twenty days notice shall be given in some newspaper published in the city of Mobile, previous to the sale.

SEC. 2. *And be it further enacted,* That the said administratrix shall, before such sale and transfer, enter into bond with sufficient security, payable to the judge of Washington county, for the time being, and his successors in office, in such sum as said judge may require, for the proper distribution of the money arising from the sale of the aforesaid tract of land, agreeably to the existing laws regulating the distribution of personal estates of deceased persons.

SEC. 3. *And be it further enacted,* That this act shall commence and be in force, from and after the passage thereof.

APPROVED, Dec. 12, 1826.

AN ACT to repeal in part and amend an act entitled an act for the relief of the inhabitants of the first Township, range seven, east of the basis meridian of Huntsville, approved, January 9th, 1826.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the before recited act as applies the provisions of said act to range seven, be hereby repealed.

SEC. 2. *And be it further enacted,* That the provisions of said act be extended to the inhabitants of township one, of range eight, in the same manner in which they are now, by said act, extended to the inhabitants of township one, of range seven.

APPROVED Dec. 30, 1826.

Comptroller
to allow a cer-
tain credit on
judgment ob-
tained against
T. L. Toulmin.

Sarah Bowie,
adm'x of John
Bowie, autho-
rized to sell
certain real
estate.

Proviso.

To give bond.

When to take
effect.

Repeal.

Benefits ex-
tended to
township 1, of
range 8.

AN ACT for the relief of Grantland and Robinson.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the State Printers, Grantland and Robinson be, and they are hereby allowed one month more than is now allowed by law, to print and distribute the laws and journals of the present session: *Provided*, that they shall be required to print in their paper the most important laws under the direction of the Secretary of State, and transmit a copy of the same to the clerks of the circuit and county courts in each county in this state.

Time extended for printing and distributing the laws & journals.

Sec. 2. *Be it further enacted,* That at the conclusion of the present session of the legislature the Comptroller be, and he is hereby required to issue his warrant on the Treasury in favor of Grantland and Robinson for the sum of five hundred dollars, as a part of their salary as state printers: *Provided*, they shall have executed their bond with good and sufficient security as is now required by law, for the faithful discharge of their duty as state printers, any law to the contrary notwithstanding.

APPROVED, Jan. 12, 1827.

AN ACT for the relief of John McGrew.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John McGrew be, and he is hereby relieved against the payment of a judgment obtained by the state against him, at the last term of the circuit court of Marengo county, upon a recognizance entered into by the said John McGrew, in the sum of one thousand dollars, conditioned for the appearance at court of one James Caller, charged with a criminal offence: *Provided*, the said John McGrew, shall pay and satisfy all costs which may have accrued in the prosecution of said suit.

John M'Grew relieved from a certain judgment.

Proviso.

Sec. 2. *And be it further enacted,* That this act shall be in force from and after the passage thereof.

When to take effect.

APPROVED, Jan. 12, 1827.

AN ACT to authorise Edward Calvert to sell and convey a certain land certificate.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edward Calvert of Limestone county be, and he is hereby authorised to sell and convey the south west quarter of section, numbered nine, in Township number five of range number three, west of the basis meridian of Huntsville, and to assign the certificate of the above named land to the purchaser, on condition that said Edward Calvert shall before making such conveyance, enter into bond with good and sufficient security, made payable to the judge of the county court of said county, and his successors in office, to be approved of by said judge, in the penal sum of four thousand dollars, conditioned that his children Elizabeth Ann Calvert, William Calvert, James Calvert, and Alexander Calvert shall never sustain any injury thereby.

Edward Calvert authorized to sell a land certificate on certain conditions.

APPROVED, Jan. 12, 1827.

AN ACT to compensate Reuben Chapman for certain services therein mentioned.

Whereas a qui tam action was instituted, in the county court of Morgan, against a certain Eleazar Baldwin, for having exhibited a museum of living animals, without having obtained a licence authorising such exhibition; and whereas also, through the instrumentality of Reuben Chapman (Attorney at Law) who managed and con-

Preamble.

ducted said suit for the state, a judgment was had, and obtained, against the said Eleazer Baldwin for the sum of two hundred dollars, one half of which sum, has been paid into the Treasury of the State of Alabama. Therefore, for his services in said case,

Sum allowed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That he the said Reuben Chapman be, and he is hereby entitled to receive the sum of twenty-five dollars, and that the Comptroller be hereby authorised and required to issue his warrant on the treasury, in favour of said Reuben Chapman for the aforesaid sum of money.

APPROVED, Jan. 11, 1827.

AN ACT for the relief of Zepheniah Hicks.

Preamble.

Whereas Benjamin Averett deceased, late of the county of Autauga did in his life time sell to the said Zepheniah Hicks, two certain quarter sections of land, hereinafter designated, and departed this life without transferring the certificates for the same, and whereas the said Zepheniah Hicks gave his promissory notes for the amount stipulated to be given for said lands, which said promissory notes have since been paid off and cancelled, and the said Zepheniah Hicks by virtue of said contract entered upon the said lands and made sundry valuable improvements thereon, and whereas the legal representatives of the said Benjamin Averett deceased are desirous that the certificates for the said two quarter sections of land herein after designated should be transferred to the said Zepheniah Hicks: Therefore,

Elizabeth Averett, ex'x of Benj. Averett, authorized to transfer certain land certificates.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Elizabeth Averett Executrix of the last will and testament of Benjamin Averett deceased be, and she is hereby authorised and fully empowered to transfer and convey to Zepheniah Hicks the certificates for the following described lands to wit, the north east quarter of section, numbered twenty-two, and the south west quarter of section, numbered fourteen, in township seventeen, of range fourteen in the district of lands directed to be sold at Cahawba.

Transfer to be valid.

SEC. 2. *And be it further enacted,* That the transfer which the said Executrix is by this act authorised to make, shall be as valid in law, as though the same had been made by the said Benjamin Averett in his life time.

APPROVED Dec. 8, 1826.

AN ACT for the relief of the securities of John Archer, deceased.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That said securities are hereby released from the payment of so much of a judgment heretofore obtained against them in favor of the state of Alabama, as embraces the damages rendered at the rate of fifteen per cent on the amount claimed by the state, upon payment of the balance of said judgment including interest and costs of suit. APPROVED Jan. 11, 1827.

AN ACT for the relief of Mary Latham.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened,* That it shall not be lawful after the passage of this act, for any person or persons in any manner whatever, to take or cause to be levied on any property that may hereafter come into the possession of Mary Latham of Bibb county, to satisfy any debt or debts which may have been or may hereafter be contracted by her husband Lawrence Latham: *Provided nevertheless,* That this act shall not be so construed as to exempt the property which the said Lawrence Latham left with the said Mary Latham at the time of their separation, from the payment of such debts as he had contracted before their separation: *Provided,* That the provisions of this act shall not be so construed as to exempt any property now in the possession of said Mary Latham from the payment of said Lawrence Latham's debts.

Property of Mary Latham not to be subject to the debts of her husband.

Proviso.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That if the said Lawrence Latham shall hereafter return and live with his wife Mary Latham, that the benefit extended to her by the provision of the first section of this act shall cease to operate.

APPROVED Jan. 1, 1827

AN ACT for the relief of Charles A. Henry.

Whereas Charles A. Henry, tax collector of Mobile county, has been unable, from the prevalence of malignant fever and other causes, to complete the collection of the taxes of said county, and account for the same to the treasury within the time required by law: Therefore,

Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened,* That Charles A. Henry, tax collector as aforesaid be, and he is hereby allowed until the first day of April next, to complete the collection of the taxes of Mobile county, and to pay the same into the treasury of the state; upon condition that the securities of the said Charles A. Henry shall consent to the provisions of this act, and shall file their consent in writing in the office of the Secretary of State, on or before the said first day of April next, otherwise the forfeitures heretofore incurred shall be, and remain in full force.

Time allowed

APPROVED Jan. 11, 1827.

AN ACT providing for the compensation of B. B. Breeden.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That B. B. Breeden be authorized to receive from the treasury of this state the sum of fifty dollars, as full compensation for services rendered by him as prosecuting counsel in the county court of Mobile county in behalf of the state; and the above amount is hereby appropriated for that purpose, out of any monies in the treasury not otherwise appropriated; and the comptroller is hereby required to issue his warrant for the same.

APPROVED Jan. 12, 1827.

AN ACT for the relief of Andrew O. Horn.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Andrew O. Horn, tax collector of Lawrence county, be and he is hereby allowed until the first day of March 1827, to collect and pay over the county tax of Lawrence county: *Provided,* The said Andrew O. Horn will pay over all the money that he has collected: *And provided also,* That the said Andrew O. Horn, will renew his bond with good security for the faithful collection, and paying over, the residue of the county tax, on or before the first day of March aforesaid.

APPROVED, Dec. 22, 1826.

AN ACT to amend in part an act entitled an act for the relief of William McDaniel, passed the third day of January 1825.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act it shall be lawful for the proprietor of the Jefferson grist mill in Jefferson county, to grind wheat on Mondays and Thursdays to the exclusion of other grain, any law, usage or custom to the contrary notwithstanding. *Approved, Jan. 11th, 1827.*

AN ACT for the relief of James Hall.

Whereas it appears that James Hall of the county of Washington, has been heretofore convicted of a violation of the criminal laws of this state: and whereas, the said James Hall has ever since the said conviction among his neighbors and all good citizens sustained a good moral character: and whereas, also, the said James Hall has a large and respectable family.

Sec. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said James Hall, be and he is hereby restored to the full and free exercise and enjoyment of said rights and privileges of citizenship, of which he has been deprived by virtue of the conviction aforesaid.

Sec. 2. *And be it further enacted,* That this act shall be in force from and after the passage thereof.

APPROVED Jan. 13, 1827.

AN ACT for the relief of Daniel Coleman of Washington.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Daniel Coleman, tax-collector of Washington county for the year 1823, be discharged from all further liability on his paying into the treasury the sum due the state by him as collector aforesaid, within five days after the passage of this act, and the interest thereon on or before the first day of April next: *Provided,* That the said Coleman shall be allowed such sum as he has lost by persons wholly insolvent.

Approved Jan. 13, 1827.

AN ACT to divorce William Bryant, from Rhodicy Bryant.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between William Bryant and Rhodicy Bryant, be, and the same are hereby annulled and made void; and the said William Bryant be henceforth divorced from the said Rhodicy Bryant.

APPROVED, Dec. 8, 1826.

AN ACT to divorce Olivia A. Taylor from John Taylor.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the supreme court of of the state of Alabama, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Olivia A. Taylor and John Taylor, be and the same are hereby annulled and made void; and that the said Olivia A. Taylor be henceforth divorced from the said John Taylor.

APPROVED Dec. 18, 1826.

AN ACT to divorce Kelly Stegall from Nancy Stegall.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened,* That in conformity with the decision and decree of the circuit court of Limestone county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Kelly Stegall and Nancy Stegall, be and the same are hereby annulled and made void; and that the said Kelly Stegall be henceforth divorced from the said Nancy Stegall.

APPROVED Dec. 30, 1826.

AN ACT to divorce John Hamblin from Hannah Hamblin.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Madison county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between John Hamblin and Hannah Hamblin, be and the same are hereby annulled and made void; and that the said John Hamblin be henceforth divorced from the said Hannah Hamblin.

Approved, Jan. 5, 1827.

AN ACT to divorce Morgan Buck from Lavinia Buck.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree, of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, the bonds of motrimony heretofore subsisting and solomnized between Morgan Buck and Lavinia Bućk, be, and the same are hereby annulled and made void; and that the said Morgan Buck, be henceforth divorced from the said Lavinia Buck.

APPROVED. Jan. 5, 1827.

AN ACT to divorce John Diamond from Lizzy Diamond.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of the county of Covington, state of Alabama, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between John Diamond and Lizzy Diamond, be and the same are hereby annulled and made void; and that the said John Diamond be henceforth divorced from the bonds of matrimony from the said Lizzy Diamond.

APPROVED, Dec. 22, 1826.

AN ACT to divorce Mary Ducksworth from her husband George Ducksworth.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Mary Ducksworth and George Ducksworth, be and the same are hereby annulled and made void; and that the said Mary Ducksworth be henceforth divorced from the said George Ducksworth. *Approved Jan. 11, 1827.*

AN ACT to divorce Coleman Allen, from his wife Rebecca Allen.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court, of Bibb county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Coleman Allen, and Rebecca Allen, be, and they are hereby annulled and made utterly void, and that the said Coleman Allen be henceforth divorced from the said Rebecca Allen.

APPROVED, Jan. 11, 1827.

RESOLUTIONS appointing commissioners to report on the claims of the first purchasers of Lots in Cahawba, in 1819, to the next General Assembly, and for other purposes.

Commissioners appointed.

To take oath.

Proviso.

Their duties.

1. *Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Andrew Dickens, Nimrod E. Benson, George Weissinger, and George Phillips, or a majority of them, be appointed commissioners to view and report to the next General Assembly the damages which the lot holders, who bought at the first sale of lots in the town of Cahawba, have sustained in the diminished value of their property, by the removal of the seat of government from said town: *Provided,* the commissioners shall, before they enter on the duties assigned them, take an oath to discharge the duties hereby imposed, to the best of their judgment: *Provided also,* that said commissioners shall receive no pay for said services out of the treasury of this state.

Sec. 2. *And be it further resolved,* That the commissioners appointed by the first resolution, inquire into and report to the next General Assembly on what terms the holders of lots,

bought at the first sale, were purchased; the lots by them relinquished, and applied to complete the payment of lots retained by them on the original purchase at the first sale, previous to the meeting of the Convention: *Provided*, That the lots purchased at the first sale, and relinquished, were applied in payment of the lots retained by the original purchasers.

Approved, Jan. 11, 1827.

RESOLUTION authorizing the money of the University, now in the Treasury, to be vested in State Stock, and for other purposes.

Resolved by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, That the President of the Board of Trustees of the University be, and he is hereby, required to vest in stock of the state, upon the same terms as the stock has heretofore been vested, what money is now in the treasury, arising from rents, interests, and sale of university lands.

University money, vested in stock.

And be it further resolved, That all monies which have arisen, or which may arise, from the profits of the Bank, shall be vested by the President and Directors of the Bank of the State of Alabama, under the direction of the Governor, in bank stock in the said Bank, until otherwise directed by law.

Profits of the Bank to be vested in stock.

Approved, Jan. 13, 1827.

RESOLUTIONS relative to the Militia Laws of this State.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the militia laws, digested and reported to the General Assembly by Thomas W. Farrar, at the present session, be and the same are hereby adopted for the government of the militia of this state; and that all laws and parts of laws not contained in said digest, be and the same are hereby repealed.

Militia laws, digested by T. W. Farrar, adopted.

Repeal.

And be it further resolved, That it shall be the duty of the Secretary of State to cause sixteen hundred copies of said digest to be printed and distributed among the different regiments of this state, in proportion to the number of commissioned officers in each, by forwarding the portion intended for each county to the clerk of the county court, to be by him placed in the hands of officers commanding regiments in his county.

1600 copies to be printed and distributed.

In what proportion.

And be it further resolved, That the militia of the county of Blount shall hereafter be attached to and compose a part of the twelfth brigade; and that the militia of the county of Shelby shall hereafter be attached to and compose a part of the third brigade of the militia of this state.

Militia of Blount attached to 12th brigade.

Of Shelby to 3d brigade.

APPROVED, Jan. 13, 1827.

JOINT RESOLUTION to provide for the safe keeping of the Furniture belonging to the State, in the State House.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That, so soon as the present legislature has adjourned *sine die*, John Davis be, and he is hereby authorized and required, as agent

John Davis to take charge of state house.

of the state, to take charge of the state house, and the state property thereof, and safely keep them until the meeting of the next legislature; for which service he shall receive thirty dollars as compensation, to be paid out of any monies not otherwise appropriated, when he shall have performed the duty above required: *Provided*, That the judges of the supreme court be allowed to hold their courts in the state house when the legislature is not in session.

compensation

Proviso.

To give bond. *And be it further resolved*, That the said John Davis be and he is hereby required to execute his bond to the Governor, and his successors in office, in the sum of one thousand dollars, with good security, conditioned for the safe keeping of the state house, and the furniture thereof, until the meeting of the next legislature.

APPROVED Jan. 13, 1827.

JOINT RESOLUTION explanatory of the third section of an act, entitled "an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes."

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the third section of an act, entitled "an act to fix the salary of the President of the Bank of the State of Alabama, and for other purposes," shall not be so construed as to prevent any member of the General Assembly from negotiating any bill of exchange at said Bank, either as drawer, acceptor or endorser.

Members of the general assembly may negotiate bills of exchange at the state bank

Approved, Jan. 3, 1827.

A JOINT RESOLUTION of the Senate and House of Representatives of the State of Alabama, disapproving certain resolutions of the legislatures of the States of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization.

The select committee, to whom was referred a resolution of the state of Mississippi, transmitted in a special communication to this house by his Excellency the Governor, disapproving of resolutions passed by the legislatures of the states of Ohio, New-Jersey, Delaware, Connecticut, Indiana, and Illinois, on the subject of the abolition and general emancipation of persons of color held in servitude in the United States; having had the same under consideration, respectfully submit the following report:

They conceive that the subject is one in which the *States* (where the evil complained of exists) are alone interested; that the frequent interference of the non-slave-holding states in a matter so purely internal and domestic, is alike impolitic and incompatible with the rights and interests of the slave-holding states; and that the dictates of policy forbid the too frequent agitation of a question which by the constitution of the United States, and of the several slave-holding states, is beyond the exercise of legislative control. Your committee further suggest, that if at any future day the evil complained of becomes too oppressive to be borne, that it will be the peculiar privilege as well as duty of the slave-holding

states themselves to apply such expedients of relief as their information may suggest, and their own interests and safety may require; and in determining the proper time when this great work of policy and benevolence shall commence, they conceive that the states most interested in the result can alone be the proper judges.

Your committee, therefore, ask leave to recommend the following joint resolution to accompany this report:—

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the resolutions of the States of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, passed on the seventh day of January, one thousand eight hundred and twenty-four, together with a resolution from the state of New-Jersey, recommending a system of foreign colonization to be adopted, to effect the entire emancipation of slaves, be, and the same are hereby disapproved, by the Legislature of this State; and that his Excellency the Governor be hereby requested to transmit a copy of this resolution and report to the Executive of each of the United States. Approved Jan. 1, 1827.



REPORT and RESOLUTIONS in relation to the system for the disposal of the Public Lands, and to the unsettled Land Claims, in this State.

The special committee, to whom was referred so much of the Governor's message as relates to the system for the disposal of the public lands, have had that subject under their consideration, and have instructed me to report the following *Joint Resolutions*.

1. *Resolved*, That this General Assembly do highly approve of the plan proposed by the Hon. Mr. Benton of Missouri, for the future disposal of the public domain, as contained in a bill introduced and advocated by him in the Senate of the United States, during the last session of Congress, providing for the future sale of the public lands *by entry*, at certain fixed and graduated prices, in exclusion of the present mode *by auction*, and for the ultimate disposal of such as may remain unsold for a certain period *by donation to actual settlers*, reserving to the actual settler or occupant in all cases the right of pre-emption for a limited time, of a quantity not exceeding one entire section.

2. *Resolved*, That our senators in Congress be instructed, and our representatives requested to use their utmost endeavors to procure the passage of a law containing the foregoing or similar provisions: and also of a law providing for the final adjustment upon equitable principles, of the unsettled land claims in this state.

3. *Resolved*, That a copy of the foregoing resolutions be transmitted by the Governor, to each of our senators and representatives in Congress.

APPROVED Jan. 12, 1827.



JOINT RESOLUTIONS instructing our Senators and Representatives in Congress on the subject of authorizing the sale of the sections numbered sixteen, reserved for the use of schools in this State.

Sec. 1. *Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our senators in Congress be instructed, and our representatives requested, to use their endeavors to procure the passage of an act to authorize the legislature to sell and convey in fee simple the section numbered sixteen in each township in this state, granted by the United States to the inhabitants of said township.*

for the use of schools, and to invest the money arising from the sale thereof in some productive fund, the proceeds of which shall be forever applied under the direction of the General Assembly, for the use and support of schools within the several townships for which they were originally reserved and set apart, and for no other use or purpose whatsoever: *Provided*, That in the apportionment of the proceeds of said fund, each township aforesaid shall be entitled to such part thereof and no more as shall have accrued from the sale of the school land belonging to such township: *Provided further*, The inhabitants of each township first give their consent to the sale of the same.

Sec. 2. *And be it further resolved*, That his excellency the Governor, he and he is hereby authorized and required to transmit copies of the foregoing resolution to our senators and representatives in Congress.

APPROVED, Jan. 13, 1827.

RESOLUTION authorizing the Governor to offer the University Lands in Shelby and Bibb counties for sale on the third Monday in February next.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be and he is hereby authorized to cause to be offered for sale, on the third Monday in February next, so much of the university lands lying in the counties of Shelby and Bibb as he may deem proper; and that he cause the same to be advertised in such public manner as he may think most advisable.

APPROVED, JAN. 12, 1827.

RESOLUTION removing the injunction of secrecy imposed upon the report of the joint committee appointed to examine the Bank of the State.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the injunction of secrecy imposed by an act passed the second day of January, eighteen hundred and twenty-six, entitled an act to amend the charter of the Bank of the State of Alabama, on the report of the joint committee appointed to examine said Bank, be and the same is hereby removed.

APPROVED Jan. 12, 1827.

RESOLUTIONS instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure an equal extension of the National Judiciary System to the Western and South-Western States of the Union.

Whereas it is a fundamental principle in the constitution of the United States, that the people in the several States shall enjoy an equal participation in the enactment of laws for their government; and it being no less necessary to their welfare, and security, that they should participate equally in the administration of such laws by the different departments to which that power is confided; and whereas, under the present organization of the judicial department, such *equality does not exist*, one portion of the Union being *denied* a description of courts, and grade of judicial officers extended to others—there being in the nine western and south-western states but *one* resident judge of the supreme judicial tribunal, while the Atlantic states, with a population only about twice as numerous, have *six*; and the members of the general assembly, believing it due to their constituents and to the people of other states similarly situated to claim their rights; Therefore,

1. *Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it is in their opinion the duty

of the congress of the United States, without further delay, to extend to all the states equally, the present judicial system of the Union.

2. *Resolved*, That our Senators in congress be instructed, and our Representatives requested, to exert their influence to procure the passage of an act in conformity with the foregoing resolution.

3. *Resolved*, That his excellency the Governor, transmit to each of our Senators and Representatives in congress, a copy of the foregoing preamble and resolutions.

Approved Jan, 13, 1827.

MEMORIAL to the Congress of the United States, asking permission for the Trustees of the University of Alabama to select other lands in lieu of those herein described.

Memorial to the Senate and House of Representatives of the United States of America, in Congress assembled. The memorial of the Senate and House of Representatives of the state of Alabama, in General Assembly convened, respectfully represent, That section twelve, containing 638 84-100 of an acre; the north-east quarter of section 17, containing 159 11-100 of an acre; the north-east quarter of section 28, containing 158 81-100 of an acre; and the east part of the north-east quarter of section 34, containing 106 12-100 of an acre, in township 4, range 11, west, in the Huntsville land district, patented to the Trustees of the University of Alabama, on the 16th July, 1824, have been subsequently sold by the United States to individuals, who are now in peaceable possession thereof, and have made considerable and valuable improvements thereon: In order that the quiet possession of innocent and *bona fide* purchasers should not be disturbed, and believing that a selection of other lands could be made as equally beneficial, your memorialists respectfully submit to your honorable body the propriety of passing a law granting permission to the said trustees of the university of the state of Alabama to make a selection of other lands in lieu thereof, giving said trustees the power of selecting any lands which have been forfeited, reverted or relinquished to the United States, at any of the land offices in this state, in lieu of the above described lands—

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to obtain the passage of a law in conformity with the foregoing memorial.

Be it further resolved, That his Excellency the Governor be requested to transmit to our Senators and Representatives in Congress one copy of the foregoing memorial and resolutions.

Approved Jan. 12, 1827.

MEMORIAL to the Congress of the United States on the subject of a donation to the trustees of La Fayette Academy in the village of La Grange.

The Memorial of the legislature of the State of Alabama, in General Assembly convened, respectfully represents, that at the last session of the legislature of this state a female academy was incorporated in the village of La Grange in the county of Franklin; that the citizens of said village at their own expense erected a handsome building of small dimensions, for the reception of students of both sexes; that, although it has scarcely been in operation twelve months, it contains at present between eighty and ninety students, and in a short time there is not the least doubt if suitable buildings were erected, the number would be increased to one hundred. The expense of erecting suitable buildings and obtaining the necessary apparatus for the use of said school, is greater than the citizens

at said village can in justice to themselves incur; we would remark to your honorable body that the situation of that village is probably better calculated for at least a primary seminary of learning than any other point within the limits of our state, being situated on a beautiful and elevated point of the Cumberland mountain extending itself into the valley of the Tennessee river, on which nature has exerted her skill to render as well one of the most delightful and romantic situations imaginable as the seat of health; from the summit of the point and some miles around, gush a variety of medical springs possessing different medical qualities, as well as springs of the purest and sweetest water; it is adjoining the most beautiful part of the valley of the Tennessee river, and in the neighborhood of some of the most flourishing towns in said valley, owing to its having been selected as a retreat from the diseases incident to our climate; the society is not surpassed by that of any community whatever. As education should be peculiarly cherished by governments like ours, and as our government have it fully in her power to endow an indefinite number of primary schools without the least injury to said government by making donations of land, or permitting the trustees of different institutions to enter a certain quantity of land at the minimum price. We would therefore, respectfully submit to the consideration of your honorable body the propriety of making a donation to the trustees of the said institution, of the south-east quarter of section thirty-four, township four, range ten, west, in the Huntsville land district, which lies adjoining said village, for the purpose of erecting thereon the necessary buildings for the use of said school, which quarter section is extremely sterile and of no value except for the purpose aforesaid; we would also, respectfully submit to your honorable body the propriety of making a further donation or permitting the trustees of said institution to enter at the minimum price the following designated lands, which lies adjoining said village: the north-east quarter of the aforesaid section, mostly mountainous; also, the east half of the south-east quarter of section twenty seven, and the east half of the north-east quarter of said section twenty-seven; all lying in the aforesaid township and range; also, any other number of quarter sections of land lying in Franklin county, not exceeding fifteen, which has been sold and relinquished, on which there is no occupant.

Resolved therefore by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators be, and they are hereby instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law embracing the object of the foregoing memorial.

And be it further resolved, That the Governor be, and he is hereby required to forward one copy of the foregoing memorial and resolutions to each of our Senators and Representatives in Congress.

APPROVED JAN. 13, 1827.

RESOLUTIONS protesting against the exercise of implied, constructive, and unconstitutional powers on the part of the Federal Government, and asserting the rights secured to the States respectively by the Constitution of the United States.

Whereas it is of vital importance to the prosperity and existence of all free governments, that every grant of power should be exercised by the functionary to which it is particularly assigned, and that the limits of all power should be fully known and established, according to the fundamental laws upon which said governments rest: And whereas, in the practical operations of the government of

the United States, much difference of opinion exists as regards the relative powers of the States, and Federal Government: And whereas, the powers claimed by the latter have increased to an unjustifiable extent, while those of the former have suffered a corresponding diminution: And whereas, the several states, as parties to the compact which conferred all power on the general government, have the unquestionable right of expressing their decided disapprobation of any measures on the part of the general government, which they conceive to be a violation of said compact: And whereas, a frequent recurrence to first principles is essential to the correct adjustment of all political differences of opinion, and will serve as the surest guide in the exercise of all political power:

Be it therefore Resolved, That in conjunction with the states of Virginia and South Carolina, as appears by resolutions passed during the last sessions of their respective legislatures, we strongly Protest against the exercise by the general government of implied and constructive powers, as having rendered void the strong, those rights which were reserved by the states, respectively, as essential to their sovereignty, and being in their very nature unlimited in extent, and uncontrollable in their operations.

Resolved, That we approve of the course pursued by the republican party during the eventful crisis of '95 and '96, in opposition to the usurpations of the general government, claimed under the above described powers.

Resolved, That the imposition of taxes and duties by the Congress of the United States for the purpose of protecting and encouraging domestic manufactures, is an unconstitutional exercise of power, and is highly oppressive and partial in its operation.

Resolved, That Congress has not the right, under the constitution, to adopt a general system of internal improvements in the states as a national measure, and that it has not the right to tax the citizens of one state to carry on internal improvements in another.

Resolved, That the President of the United States, has not the constitutional power to originate any foreign mission, or to appoint any foreign minister, on such newly originated mission, but by and with the advice and consent of the Senate of the United States.

Resolved, That the abrogation of the treaty of the Indian Springs, concluded February 1825, by the United States' commissioners and the Creek Nation, without the consent of the governments of Georgia and Alabama, parties in interest, was an unconstitutional exercise of Federal power, and an infringement of the sovereign rights of said states.

Resolved, That the President of the Senate of this state be and he is hereby requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions. *Approved Jan. 13, 1827.*

ERRATA.—In the caption of an act relative to the port and harbor of Mobile, page 31, after the word "government," read, "of the port." In the first marginal note on page 51, after the word, "from," in the place of "Tuscaloosa to Mobile," read, "Pickens' mill, in Marengo, to Canton."

DEPARTMENT OF STATE, Tuscaloosa, May 26, 1827.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls, deposited in this office.

J. I. THORNTON, Secretary.

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